

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204 - CRM-M-51549-2019
Date of Decision: 23.09.2020

Krishan Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. JS Dhaliwal, Advocate for the petitioner

Mr. Rana Harjasdeep, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Krishan Singh aged 24 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.0104 dated 16.08.2019 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Longowal, District Sangrur.

At the outset, learned counsel for the petitioner relies upon the order passed by this Court on 04.09.2020 in **CRM-M-25061-2020 (Manpreet Singh @ Hally vs. State of Punjab)**, whereby the co-accused has been granted bail. Learned counsel further submits that he has instructions from his client to submit that the petitioner or his family members would deposit property papers of immovable property worth Rs.5 lacs (in his own name or name of his family members) with the Trial Court/Duty Magistrate concerned, as offered by learned counsel for the petitioner and in case, the petitioner is subsequently found involved and guilty in any other case, the aforementioned amount can be forfeited. He relies upon on paragraphs 3 to 5 of the said order which is reproduced hereunder:-

“Learned counsel for the petitioner submits that a perusal of the FIR would show that it was allegedly based on Secret information. In fact, it is the petitioner's case that the recovery was not from the conscious possession of the petitioner as there were irregularities conducted in the search. He has also referred to orders dated 15.7.2019 and 10.09.2019, passed by this Court and order dated 16.11.2019 passed by the trial Court, wherein ASI Kewal Krishan, who was the second Investigating Officer in the present case, was named to be registering false case on NDPS. It has been noticed in the order dated 10.09.2019 that departmental enquiry has also been ordered against the officials i.e. ASI Kewal Krishan and HC Harjinder Singh.

Learned State counsel, on instructions from ASI Jagsir Singh, submits that the recovery is commercial quantity. He submits that prior to this, petitioner was also found involved in one more FIR and on 06.09.2019 i.e. while the petitioner was in custody in the present case, another FIR has been registered against him. He further submits that challan was presented on 07.02.2020. There are total of 25 witnesses but none has been examined till date. Next date before the trial Court is 23.09.2020.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is in custody for more than one year. He further submits that he has instructions to submit on behalf of the petitioner that he is ready to deposit the property papers of immovable property, worth Rs.5 lacs as security (in his own name or name of his family members) with an undertaking that in case, the petitioner is found involved and guilty in any other FIR, after September 2019, the aforementioned amount can be forfeited and the same be deposited in the Government Treasury.”

Learned State counsel, on instructions from ASI Jagsir Singh submits that it cannot be denied that co-accused has been granted bail by this court. He, however, makes submissions to oppose the bail on merits.

Learned counsel for the petitioner then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be

dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety which the trial court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by his counsel, the petitioner, within one month from date of his release, would deposit the property papers of immovable property worth Rs.5 lacs (in his own name or name of his family members) with the Trial Court/Duty Magistrate concerned, as offered by learned counsel for the petitioner. It is also made clear that, in case, the petitioner is subsequently found involved and guilty in any other case, the aforementioned amount can be forfeited and the same be deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed of accordingly.

23.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No