

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

CRM-M-5198-2021

Date of decision: 12.03.2021

Jaspal Singh @ Jassa**.....Petitioner****versus****State of Punjab****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Jaspal Singh @ Jassa, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.073 dated 18.06.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Talwandi Bhai, District Ferozepur.

Learned counsel for the petitioner, at the outset, submits that in fact perusal of the FIR is based on alleged secret information received by the patrolling party. Learned counsel further submits that this Court, vide order dated 25.09.2020, had granted interim bail to the petitioner till the receipt of FSL report. The said order is reproduced hereunder:-

“The matter has been taken up through video-

conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Jaspal Singh @ Jassa, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.073 dated 18.06.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, at Police Station Talwandi Bhai, District Ferozepur.

Learned counsel for the petitioner submits that the FIR is dated 18.06.2020 and the petitioner was arrested on same day and he is in custody since then. Counsel further submits that no recovery was affected from conscious possession of the petitioner. He then submits that as on date, the FSL report has yet not been received. However, counsel submits that in view of the above, the petition be considered and interim bail may be granted. Learned counsel submits that the petitioner will surrender before the concerned Chief Judicial Magistrate/Duty Magistrate, when it is communicated to him that FSL report has been received.

Notice of motion.

On asking of the Court, Mr. H.S. Multani, Assistant AG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner further relies on the judgment dated 05.06.2020, passed by this Court in “**CRM-M-12836-2020** titled as ***Harjit Singh vs. State of Punjab.***”

In view of the above, the petitioner is directed to be released on interim bail till the expiry of seven days from receipt of FSL report/intimation from the Investigating Officer, subject to his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned. It is made clear that on receipt of FSL report and finding the same to be incriminating, the petitioner shall surrender before the concerned CJM/Duty Magistrate forthwith.

Accordingly, the present petition stands disposed of.”

Learned counsel for the petitioner submits that after the receipt of FSL report, the petitioner surrendered and is in custody since then.

Vide order dated 10.02.2021, this Court had issued notice with directions to file status report. Inspite three opportunities, status report has not been filed.

Learned State counsel, on instructions from ASI Lakhvir Singh, submits that there is recovery of 1000 tablets of Tramadol. It is, however, submitted that the petitioner is not involved in any other case other than the present case. He then submits that the charges in this case were framed on 06.01.2021. There are total of 10 witnesses, but, none has been examined. The next date before the trial Court is 26.03.2021.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that in order to show their *bona fides*, the petitioner is ready and willing to deposit bank gaurantee/FDR worth Rs.2 lacs (in the name of petitioner or any of his relative) before the Duty Magistrate/trial Court, with an undertaking that he would not involve himself in any other case after the present case and if, he is found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee/FDR can be forfeited and deposited in the Government Treasury.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take time, this Court deems it appropriate to release the petitioner on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would submit the bank gaurantee/FDR worth Rs.2 lacs (in the name of petitioner or any of his relative) with an undertaking that he would not involve himself in any other case after the present one and in case, he is found involved and found guilty in any other subsequent case (today onwards), the above said bank gaurantee/FDR worth Rs.2 lacs, shall be forfeited and deposited in the Government Treasury. The same shall be without prejudice to defence of the petitioner before the trial Court.

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

12.03.2021

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No