

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-19706-2021

Date of decision: 25.05.2021

Gaurav Arora

....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

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-Gaurav Arora, stated to be aged 35 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.172 dated 31.08.2019, registered u/s 22 (c) and 27-A of NDPS Act, 1985, at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for the petitioner by making reference to pleadings in the petition submits that perusal of the FIR would show that police party was holding a check-post where one motorcycle being driven by co-accused Naresh Kumar @ Kala was apprehended.

At this stage, learned counsel for the petitioner submits that Naresh Kumar @ Kala vide order dated 08.10.2020 passed in CRM-M-

15213-2020 titled as Naresh Kumar @ Kala Vs. State of Haryana' has been granted regular bail by this Court. He then submits that the petitioner is infact the Owner/Director of Neutec Healthcare Pvt. Ltd. and is having a license and thus authorized to manufacture, display and sell the drugs as per licenses and and approvals from the concerned authorities.

Learned State counsel on instructions from Sub Inspector Jeet Ram, submits that challan in this case was presented on 31.01.2021. There are total of 32 witnesses, but none has been examined till date. She further on instructions submits that there are two more cases in which the petitioner is involved. It is submitted that the other cases are of alleged similar offence and therefore, he is not entitled to concession of bail.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner that in order to show his bona fide, the petitioner is ready to get an FDR made worth Rs.4 lakhs (in his name or any of his relatives) and shall deposit the same with the Trial Court/Duty Magistrate as security with an undertaking that he will not encash the same, till the decision of the Trial Court and shall further await the orders of the Trial Court. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any other subsequent case (today onwards), the said amount as aforementioned shall be forfeited and deposited in the Government Treasury.

Learned counsel for the petitioner also submits that in view of the COVID 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 peculiar facts noticed above and the present situation due to COVID-19 and also 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 addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would deposit Rs.4 lakhs in the shape of FDR (made in his own name or any of his relative) with the Trial Court/Duty Magistrate concerned. The petitioner would also give an undertaking that he will not encash the said FDR, till the conclusion of the trial. This undertaking be also sent to the concerned Bank. The petitioner would also give an undertaking that in case, he is found involved and found guilty in any other subsequent case (today onwards), the said amount as aforementioned shall be forfeited and deposited in the Government Treasury. The said amount 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.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

25.05.2021

jyoti3

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No