

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-20096-2021

Date of decision: 25.05.2021

Farukh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, 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-Farukh, stated to be aged 26 years, has filed the present petition *inter alia* with a prayer for grant of regular bail to the petitioner in case FIR No.38 dated 13.03.2021, registered under Sections 22/29/61/85 of NDPS Act, at Police Station Shambu, District Patiala.

Learned counsel for the petitioner, based on the pleadings in the petition, submits that the petitioner was arrested on 16.03.2021 and he is in custody since then. He further submits that the FIR has been registered against co-accused Lakhvir Singh & Harnek Singh and recovery of 1800 tablets of Narcotics make Alprazolam 0.5mg has been recovered from them. He then submits that initially the petitioner was not named in the FIR and he

has been falsely implicated in the present case. 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 prayer 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, Ms. Rashmi Attri, AAG, Punjab, accepts notice on behalf of the respondent-State.

On instructions from SI Nahar Singh, learned State counsel submits that the investigation is at the initial stage. She submits that accordingly the petitioner is not entitled for the concession of bail as prayed for. Learned State counsel further submits that the FSL report is still awaited and after the receipt of FSL report, challan in this case would be presented.

At this stage, counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID-19 situation also, retention of the petitioner behind bars would be dangerous to his life.

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 peculiar facts and circumstances of the present case and also keeping in view the present COVID situation, 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.

In the meantime, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

25.05.2021

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No