

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-20306-2021

Date of decision: 25.05.2021

Ghisa Lal Dhaker @ Gheesa Lal

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Amardeep Singh, 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-Ghisa Lal Dhaker @ Gheesa Lal, 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.0248 dated 11.09.2020, registered under Sections 18, 25, 29 of NDPS Act, at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that it is a case of chance recovery. The petitioner was travelling in a truck as a gratuitous person and when he was dropped near Moga, the police apprehended them. The recovery was made from the back seat of the truck. Learned counsel further submits that the

petitioner is not involved in any other case and he has been falsely implicated in the present FIR.

On instructions from ASI Kashmir Singh, learned State counsel submits that challan in this case has been presented on 09.03.2021 and there are total of 18 witnesses, out of which, none has been examined till date. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case. Learned State counsel does not dispute the factual position, however, opposes the bail on merits.

Faced with the situation, learned counsel for the petitioner 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 ***heavy*** 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.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

25.05.2021

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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No