

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206 - CRM-M-20515-2021 (O&M)

Date of Decision: 27.05.2021

Amritpal Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Prateek Pandit, Advocate for the petitioner

Mr. MS Nagra, AAG 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 Amritpal Singh aged 25 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.37 dated 21.03.2015 under Section 22 NDPS Act, registered at PS Kapurthala.

Learned counsel for the petitioner *inter alia* submits that in the present case, the petitioner was granted regular bail by the trial court on 30.10.2015 (P3). However, subsequently, the petitioner was found involved in another case FIR No.94 dated 27.05.2016 and on account of his arrest in the said case on 27.05.2016, the petitioner could not present himself during trial in the present case. He further submits that in January, 2021, the petitioner has been acquitted in case FIR No.94 dated 27.05.2016. He also submits that the petitioner was shown to be arrested on production warrants on 18.05.2018. However, in spite of the aforementioned facts, the petitioner's bail application has been rejected vide order dated 05.03.2021.

Notice of motion.

On the asking, Mr. MS Nagra, AAG Punjab accepts notice through video conferencing.

Learned State counsel, on instructions from ASI Sukhdev submits that in this case, the challan was presented on 21.09.2015; charges were framed on 21.01.2016 and out of 12 witnesses only 1 witness has been examined so far. The petitioner has undergone a total of 3 years 2 months 06 days of custody. Learned State counsel thus opposes the grant of regular bail to the petitioner on merits but is not in a position to refute the factual position.

Learned counsel for the petitioner submits that the petitioner is a young boy aged 25 years. It is then submitted that due to the present COVID-19 situation also, detention of the petitioner in jail would be dangerous to his life and also in view of 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.

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.

27.05.2021

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No