

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

202

CRM-M-38135-2020

Date of decision: 16.02.2021

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

Present: Mr. Impinder Singh Dhaliwal, Advocate for the petitioner.

Mr. H.S. Grewal, Additional AG, 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-Hardeep Singh @ Kaka, stated to be aged 55 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.60 dated 07.03.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner by making reference to the pleadings in the petition, submits that the petitioner was actually not involved in the alleged incident and has been wrongly implicated. He submits that in fact the alleged recovery was not from the conscious possession of the petitioner as the same was found in the rear seat of the car. He further submits that car is also not in the petitioner's ownership. Learned counsel further submits that he does not even know how to drive the car and does not hold a

driving license.

Records of the case show that notice of motion was issued on 27.11.2020 and the State was asked to file status report. In pursuance thereto, status report by way of affidavit of Shri Jaspal Singh Dhillon, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, has been filed.

On instructions from ASI Baldev Singh, learned State counsel submits that the next date before the trial Court is fixed as 26.02.2021. He submits that there are total of 27 witnesses but none has been examined as yet. He submits that commercial quantity is above 250 grams, whereas, 416 grams was allegedly recovered from the petitioner.

Learned counsel for the petitioner however submits that in view of the submissions made and noticed in the foregoing para, the petitioner has a good prima facie case on merits. Counsel further submits that the petitioner was earlier granted interim bail on account of marriage of his daughter. He further submits that the petitioner is not involved in any other case. Counsel for the petitioner also submits that he has instructions from the petitioner and his family members to submit that to show their bona fides, in addition to the bail bonds/heavy surety/surety of immovable property that the trial Court may require, they would furnish bank guarantee or deposit an FDR (in the name of petitioner or any of his relative), worth Rs.4 lacs, with the trial court as security, till the conclusion of trial. He also submits that the petitioner would also give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount can 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 furnish bank guarantee or deposit an FDR (in the name of petitioner or any of his relative), worth Rs.4 lacs, with the trial court as security, till the conclusion of trial. Petitioner is also directed to give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the aforementioned amount shall be forfeited and deposited in the Government Treasury. The above said offer shall be without prejudice to the 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

16.02.2021

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No