

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

**CRM-M No. 21234 of 2015 (O&M)
Date of decision: 23.07.2015.**

Baisakhi Ram

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. G.S. Kaura, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana, for the respondent.

NAVITA SINGH, J. (ORAL)

This petition has been moved by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 04 dated 08.01.2015, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act of Police Station Rajaund, District Kaithal.

Counsel for the petitioner has shown the original disability certificate of the petitioner which shows that there is wasting of muscles in the left leg and the disability is assessed as 70%.

State counsel, however, submitted copy of medical examination which was got conducted under the directions of Judicial Magistrate 1st Class, Kaithal, and the report of the doctors is regarding handicap in left leg with wasting of thigh muscles. The disability, however, is given as 40% and the opinion is that he could not drive the vehicle. However, it is felt that a person with wasted muscles in one limb would not be able to flee from the spot. It is alleged that the petitioner ran to some

distance and then was nabbed.

Counsel for the petitioner further submitted that a complaint was filed by the petitioner against some persons including police officials, i.e. ASI Vir Bhan and Constable Anoop Singh, and they were summoned by the Court of Sub Divisional Judicial Magistrate, Guhla, vide order dated 18.05.2015 and for that reason, the petitioner has been falsely implicated by way of retaliation.

Prosecution evidence is being conducted and the petitioner is in custody since 08.01.2015. He was allegedly apprehended with 1 kg charas, which was bordering on commercial quantity.

In view of the above, since the trial is likely to take time to conclude and the fact that the petitioner is physically handicapped, without commenting on the merits of the case, the request of the petitioner for bail is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

(NAVITA SINGH)
JUDGE

23.07.2015
Ramesh