

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

**CRM NO. M-27590 OF 2015(O&M)
DECIDED ON : 28.09.2015**

Maluka Ram

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Visavdeep Singh Rana, Advocate,
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reports or not ?
3. Whether the judgment should be reported in the Digest ?

AJAY TEWARI, J. (ORAL)

This is a petition for grant of regular bail in case FIR No. 04 dated 08.01.2015 under Section 20/61/85 of the NDPS Act, registered at Police Station Rajound, Haryana, which relates to recovery of 01 kg charas from the petitioner.

Learned counsel for the petitioner has argued that this court vide order dated 23.07.2015 passed in CRM No. M-21234 of 2015, while granting bail to the co-accused, had noticed

as under :-

“ 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 Ist 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”.

Learned counsel for the petitioner has further argued that on this ground the petitioner should also be entitled to concession of regular bail considering that now the petitioner has undergone two months' further custody.

Learned DAG is not in a position to dispute these facts and assertions.

In these circumstances, I do not deem it appropriate to give different treatment to the petitioner. Resultantly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds to the satisfaction of trial Court.

SEPTEMBER 28, 2015
shalini

(AJAY TEWARI)
JUDGE