

CRM-M-41110-2016

[1]

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

(Sr. No.209)

CRM-M-41110-2016

Date of Decision:-22.02.2017

Suraj Kumar

.....Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. L.M. Gulati, Advocate,
for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. Chaudhari, J. (Oral)

Learned counsel for the petitioner submits that the petitioner-Suraj Kumar is mentally disabled to the extent of 70% as certified by some Government hospital. There is an interim bail order made by this Court, looking to alleged mental health. Now, there is an affidavit filed by the concerned police officer, who states that the petitioner is a habitual offender and as many as six earlier FIRs are registered against him. Learned counsel for the petitioner submits that in some of the FIRs, he has been acquitted. The last FIR No.92 dated 11.06.2014 is registered under Sections 21/22/61/85 of NDPS Act against the petitioner. Hence, the statement in the affidavit made by the police officer is that the medical certificate cannot be relied upon, as it was meant only for railway travelling with escort and nothing more.

Looking to the entire background as stated above and looking to the provisions of the Mental Health Act 1987, a chance is given to the petitioner to proceed in the said Act and get the adjudication/certificate from

the competent Court.

By way of last chance, time of four weeks is granted to the petitioner to get the certificate. If, the certificate or the adjudication is not got obtained by the petitioner within four weeks, this order shall come to an end automatically without reference to this Court, and interim order dated 4.09.2014 shall stand vacated and in that eventuality, the petitioner will have to surrender before the trial Court.

Disposed of.

February 22, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No