

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 290

Criminal Miscellaneous No.M-41392 of 2017 (O & M)
Date of Decision: December 01, 2017

Rajvir Singh @ Raju

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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PRESENT: - Mr. Sahil Puri, Advocate, for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General,
Punjab.

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Jaspal Singh, J

The instant petition has been filed by Rajvir Singh @ Raju under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of temporary interim bail for a period of three months in case FIR No.02 dated January 04, 2015 under Section 21 of Narcotics Drugs & Psychotropic Substances Act, 1985 (for short, 'NDPS Act') registered at Police Station, Subanpur, District Kapurthala.

It has been contended by learned counsel for the petitioner that he is suffering from Acute Hepatitis and HBV Positive, for which, he required subterranean care and attention. The health condition of the petitioner is precarious and perilous. The conditions in

jail are not conducive for the efficient recuperation of petitioner. Therefore, petitioner be allowed temporary interim bail for three months on sympathetic grounds in view of his gravely deteriorating medical condition.

Reply by way of short affidavit dated November 30, 2017 of Lalit Kumar Kohli, PPS, Deputy Superintendent Central Jail, Jalandhar (at Kapurthala) has been filed on behalf of the respondent – State.

As per the contents of Annexure R-1, appended with the reply, petitioner was admitted to Civil Hospital, Kapurthala on November 21, 2017. His routine investigations were conducted whereupon his HCV test came out to be negative. His liver tests were also conducted, whereupon, it was found that he is a case of Bilateral Nephrolithiasis as per the report of Civil Hospital, Kapurthala. He was discharged from Civil Hospital on November 22, 2017 in a satisfactory condition. Currently, he is undergoing treatment from Civil Hospital, Kapurthala on routine referral basis. Since the petitioner is getting regular treatment, there is no reason for interim bail.

Otherwise also, instant case has been registered against the petitioner under the NDPS Act, as he was allegedly found in conscious possession of 260 grams of intoxicating material. As per the report of Chemical Examiner, the substance recovered from the petitioner contained 'Alprazolam'. The contraband allegedly recovered from the petitioner falls in commercial category.

Thus, in view of the totality of facts and circumstances narrated above as well as keeping in view the nature & gravity of offence coupled with the fact that alleged contraband recovered from the petitioner is of commercial quantity, no case for grant of temporary interim bail is made out.

Dismissed.

December 01, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No