

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

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CRM-M-8279-2018

Date of Decision: March 26, 2018

Suraj Kumar @ Suraj

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

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

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.12, dated 27.01.2018, under sections 22/29 of NDPS Act, 1985, registered at Police Station E-Division, Amritsar, District Amritsar.

2. Learned counsel for the petitioner has contended that the petitioner is mentally disabled and suffers from 70% mental retardation. He draws the attention of this Court to certificate dated 15.03.2017 (Annexure P-3), issued by Senior Medical Officer, J.B.S.S., Civil Hospital, Amritsar, pursuant to direction of Additional Chief Judicial Magistrate, Amritsar, seeking verification of the disability of the petitioner. It is recorded that the petitioner suffers from 70% mental retardation. This is the opinion of the Director, Institute of Mental Health, Amritsar.

3. Learned State counsel submits that petitioner was apprehended at the spot with 1190 loose tablets of an alleged intoxicant substance. It is also contended

that there are sixteen other cases pending against the petitioner under the NDPS Act, 1985.

4. Learned counsel for the petitioner submits that out of sixteen cases, allegedly pending against the petitioner, he has been acquitted in fourteen cases. Petition for quashing of 15th FIR is pending before this Court. The present one is 16th FIR and it appears that the petitioner has been a convenient victim for being framed by the police. Learned State counsel does not dispute the fact that the petitioner suffers 70% mental retardation and in view of this fact, ' *mens rea* ' is not likely to be there.

5. Thus, without commenting upon the merits of the case, I deem it just and appropriate to release the petitioner on regular bail. Accordingly, petition is allowed. Petitioner-Suraj Kumar @ Suraj son of Sh. Ram Chand, is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned/Judge, Special Court at Amritsar.

March 26, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No