

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4023-2019
Date of decision: 01.03.2019

Baljinder Singh @ Binder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.172 dated 21.11.2018 under Section 21 of NDPS Act, registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner submits that as per allegations in the FIR, when the police signalled to stop a car, the petitioner was found to be driver of the same and there were two other occupants namely Sarabjit Singh @ Kaka and Ravinder Kumar @ Ravi and from the car, 310 grams of heroin was recovered. It is further submitted that the petitioner is suffering from serious health problems and he has recently underwent an operation of spinal cord.

In pursuance of the directions given by this Court, affidavit of the Medial Officer, Central Jail, Bathinda is filed in the Court today and in this affidavit, the doctor has opined as under: -

“As per his private record patient is old case of D8 intradural extramedullary dumb bell schwannoma and he was operated for the same at Bharat Hospital Bathinda. The patient was referred to Civil Hospital Bathinda on 27-02-2019 for current complaints and again will be referred on 01-03-2019. Copy of Discharge summary of Bharat Hospital is attached here along with for the kind perusal of the Hon’ble High Court.”

Learned counsel for the petitioner has further submitted that due to his aforesaid health condition, the petitioner was not in a position to drive the car and he is not involved in any other case under the NDPS Act.

Learned State counsel, on the basis of custody certificate dated 01.03.2019 filed in the Court today and on instructions from HC Gurdeep Singh, could not dispute the fact that the petitioner is not involved in any other case under NDPS Act.

Without commenting anything further on merits of the case, considering the health condition of the petitioner, which is duly supported by affidavit of the Medical Officer, Central Jail, Bathinda, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.03.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No