

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9512-2019
Date of decision: 22.04.2019

Jasvinder Pal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Raj Kumar Gupta, 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.209 dated 01.11.2018 under Sections 15/2/27A/29/61/85 of NDPS Act, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

It is relevant to notice here that on an earlier occasion, the anticipatory bail application filed by the petitioner i.e. CRM-M-50034-2018 was dismissed by this Court vide order dated 27.11.2018. Thereafter, the petitioner approached the Hon'ble Supreme Court, by way of filing SLP (Crl.) No.10841/2018, which was dismissed on 14.12.2018, directing the petitioner to surrender before the trial Court and move the regular bail application.

Learned counsel for the petitioner has argued that the petitioner was not arrested at the spot and as per allegations in the FIR, the police, on seeing a truck, signalled it to stop, however, when the truck stopped, the person

sitting on the conductor side, fled away from the spot and driver namely Ashok Kumar was arrested and recovery of 120 kg of poppy husk was effected. It is submitted that later on, on the disclosure statement of driver Ashok Kumar, name of the petitioner has been surfaced, as he is registered owner of the truck and thereafter, the petitioner has surrendered before the trial Court on 31.12.2018. Learned counsel further submits that in fact, the petitioner is suffering from serious medical ailment.

In response to the notice of motion, reply by way of affidavit of Deputy Superintendent, New District Jail, Nabha along with medical report of the petitioner as submitted by the Medical Officer, New District Jail, Nabha and the custody certificate filed in the Court today, is taken on record. As per the custody certificate, the petitioner is not involved in any other case under the NDPS Act and is in custody for the last 03 months and 17 days. In the medical report, the Medical Officer has reported as under: -

“On 01.03.2019 patient was referred to PGI Chandigarh for neurology opinion. Patient was examined by the neurologist. As per neurology report, in left upper limb-Power of the left shoulder muscle and wrist is less than normal as well as hand grip is also weak. In left foot power is less than normal. As suggested by the neurologist MRI Scan of brain was also done which shows that weakness in left arm foot are due to Ecephalomalacia with gliotic changes in right hemisphere of brain. Hand grip of right hand is also weak.”

Learned counsel for the petitioner has submitted that the petitioner is not leading normal life and he has to take assistance from other jail mates,

even for his all day to day job as he is suffering from neurological disorder.

Learned State counsel, on instructions from HC Shamsheer Singh, has submitted that challan has been presented, charges have been framed and out of total 17 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, considering the fact that the petitioner has surrendered before the trial Court, in compliance of the directions issued by the Hon'ble Supreme Court and as per the report of the Medical Officer, he is suffering from neurological disorder and needs continuous medical attention and also in view of the fact that out of 17 PWs, none has been examined so far, 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

22.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No