

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

226

CRM-M-18286-2019

DATE OF DECISION: 20.12.2019

AKASH GUPTA

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Paramjit Singh Bal, Advocate for the petitioner(s).

Mr. N.K.Banka, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.42 dated 19.02.2019, under Section 22 and 61 of the NDPS Act, 1985, registered at Police Station City-2 Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner are that Tramadol tablets with a total weight of 1130 grams and 12 bottles of QREX-T (codeine sulphate) were allegedly recovered from the petitioner. It is stated that the petitioner was allegedly apprehended by the police party using a private vehicle and no number etc. of the private vehicle is mentioned although there are directions issued by the DGP in that regard. He also contends that the petitioner had undergone left hip surgery. He is facing difficulty in walking. The Superintendent Central Jail has filed a report of the Medical Officer, Central Jail, Ludhiana wherein it is mentioned, "it is to state that Ut Akash Gupta son of Prakash came to Jail Hospital with complaint of pain on left side of hip for the same complaint he was

referred to Civil Hospital Ludhiana for ortho opinion on dated

11.04.2019 under Cr.No.39194 where doctor advised him to get X-Ray left femur with hip with left knee and X-Ray shows old operated case of fracture acetabulum and femur with implant on and prescribed him medicine. For the same complaint he was referred to R/H Patiala for further management. On dated 19.10.2019 and 24.10.2019 he was referred to R/H Patiala for ortho opinion after examination doctor prescribed him medicine as given below:

Tablet Dolo 625 mg OD tablet Calcium 500 mg OD, Volini Gell for 10 days and further advised him follow up in Civil Hospital, Ludhiana.

Now he has been referred to Civil Hospital, Ludhiana on 20.12.2019 for further treatment.”

He also contends that the petitioner is in custody for over 10 months and is not involved in any other case under the NDPS Act. He has relied upon the order of coordinate Benches of this Court in the case of **Kashmir Singh Vs. State of Punjab**, in CRM-M-7437 of 2019, decided on 21.02.2019 wherein the petitioner therein had been granted regular bail as he was in custody for over seven months and the order in the case of **Karaj Singh Vs. State of Punjab**, in CRM-M-23811 of 2018, decided on 09.07.2018, wherein the petitioner therein had been granted regular bail after custody of six months.

Learned State counsel, upon instructions from Jagjit Singh, states that 12 prosecution witnesses has been examined.

Heard.

In view of the submissions of learned counsel for the

petitioner, especially when the petitioner is in custody for over 10

months, the medical condition of the petitioner as he is undergoing treatment, the orders of the coordinate Benches of this Court, he is not involved in any other case under the NDPS Act and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

20.12.2019.

SwarnjitS

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