

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46554-2018 (O&M)
Date of decision: 01.05.2019

Shiv Chand

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.85 dated 07.09.2018 under Section 22 of NDPS Act, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the FIR was registered on a secret information that the petitioner, whose left leg is amputated, is habitual of selling intoxicant and on receiving the information, the police conducted the raid and recovered 250 tablets of Clavidol-100 SR, which falls under the non-commercial quantity. It is further submitted that the petitioner is in custody since 07.09.2018 and the case is still at the stage of recording the prosecution evidence.

Learned State counsel has filed the affidavit of Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib in

the Court today and as per this affidavit, the petitioner stands convicted in an FIR No.44 pertaining to year 2016 and in another FIR No.32 dated 29.04.2017, he is under-trial.

In reply, learned counsel for the petitioner has submitted that the petitioner may be released on conditional bail that in case he is found misusing the concession of bail and is found involved in any other case, the bail in the present case be also cancelled.

After hearing learned counsel for the parties and considering the fact that recovery is of non-commercial quantity; petitioner is in custody since 07.09.2018; the case is still at the stage of recording the prosecution evidence and the petitioner is a handicapped person having amputated one leg, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it is clarified that if the petitioner is found involved in any other case, the trial Court will cancel the bail immediately and proceed further, in accordance with law.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.05.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No