

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

203

**CRM-M-13379-2020
Date of decision: 03.07.2020**

Ram Sarup

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mandeep K. Saajan, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.196 dated 20.10.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") at Police Station Sadar, Nabha.

The petitioner, who is alleged to have kept in his conscious possession 102 strips of intoxicating tablets 10 each totalling 1020 tablets containing alprazolam on 20.10.2019 and is in custody since his arrest, has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State counsel who has opposed the same.

I have heard learned counsel for the petitioner and learned

State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner, who is aged about 82 years and is also a heart patient, has been falsely implicated in the case. Alleged recovery was planted on him. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined during investigation. The petitioner has no criminal antecedents and is not involved in any other case under the NDPS Act. In view of his vulnerability to the infection of Covid-19 due to being more than 65 years of age, the petitioner may be granted concession of regular bail to protect his life.

On the other hand, learned State counsel has submitted that the petitioner kept commercial quantity of the contraband in his conscious possession and the petitioner does not deserve the concession of regular bail. Therefore, the present petition may be dismissed.

Mere vulnerability to infection of Covid-19 is not by itself a ground for grant of bail as gravity of accusation and quantum of sentence likely to be imposed in case of conviction have also to be taken into consideration particularly when requisite precautions can be taken and requisite treatment can be provided in the jail also during the period of detention.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, quantum of sentence which the conviction may entail, applicability of Section 37(1)(b) of the NDPS Act, absence of any material to enable this Court to hold that the petitioner has not committed the offence or is not likely to commit the offence under the NDPS Act if released on bail and the fact that the

trial can be expedited on easing out of the restrictions imposed to prevent the spread of Covid-19 but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above discussion, the present petition is dismissed.

However, in view of the observations made by Hon'ble Supreme Court in *Doongar Singh Vs. State of Rajasthan 2018 (1) RCR Criminal 256, State of U.P. Vs. Shambhu Nath Singh and others, 2001 (2) R.C.R. (Criminal) 390, Hussain and another Vs. Union of India 2017(2) RCR Criminal 312* and *Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861*, the trial Court is directed to expedite the trial.

A copy of this order be sent to the trial Court concerned for requisite compliance.

03.07.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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