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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12576-2020(O&M)

Date of Decision: 29.07.2020

Puneet Sood

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Yashpal Thakur, Advocate,
for the petitioner.

Mr. S. S. Deol, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-10797-2020

Allowed as prayed for.

CRM-18050-2020

Allowed as prayed for.

Applicant/petitioner is permitted to place on record photo-copy of medical record issued by Hospital dated 15.01.2020 as (Annexure P-4) and Photographs as (Annexure P-5).

Application stands disposed off.

CRM-M-12576-2020

This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.0021 dated 30.01.2020, under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Special Task Force, District Mohali, Punjab.

[2]. Contention on behalf of the petitioner is that the recovery has been planted upon him as he was not even in a position to move after having remained hospitalized in Max Superspeciality Hospital, Mohali, in the month of January, 2020, to support which contention he has sent copies of the hospital discharge papers and photographs for the relevant period showing proof of his

hospitalization.

[3]. Co-accused in the same case namely Prince Bhalla has already been granted bail by the Ld. Addl. Sessions Judge, SAS Nagar, Mohali, as recovery of contraband being 35 grams of Heroin was allegedly effected from him which was below the commercial quantity. However, from the present petitioner, the recovery was of exactly the same quantity i.e., 35 grams. But his prayer for bail was denied, in view of the fact that he is a history sheeteer in several other cases.

[4]. In the opinion of this Court, the bar of Section 37 of the NDPS Act would not apply to the present case since alleged recovery of contraband herein was well below the commercial quantity. As such, considering the long detention of the petitioner, his medical condition and also the fact that the co-accused from whom an identical same quantity of recovery was allegedly effected has already been granted bail, the petitioner can also be released on bail.

[5]. Considering the long detention undergone by the petitioner, he is ordered to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[6]. Disposed off.

29.07.2020

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**(SUDIP AHLUWALIA)
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |