

205.

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

CRM-M-13255-2020

Date of decision: 15.12.2020

TARA SINGH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sumeet Singh Brar, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.07 dated 13.01.2020 registered under Section 22-C of NDPS Act, 1985 at Police Station Baragudha, District Sirsa.

As per FIR, on 13.01.2020, the petitioner was found in possession of 540 intoxicant prohibited Tramadol Hydrochloride tablets (weighed 465 grams) without any permit or license in the area of Police Station Baragudha.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 13.01.2020, challan having been presented in the case and there being no other case against him, he is not

keeping good health. He refers to the medical report attached with this petition (Annexure P-2) to show his record of health. In support of his contention, he relies upon order dated 28.09.2020 passed by this Court in ***CRM-M-35617-2019*** titled as ***Sohan Lal @ Sonu Versus State of Punjab*** and order dated 21.09.2020 passed in ***CRM-M-2980-2020*** titled as ***Tirath Ram Versus State of Punjab*** wherein the co-accused, who were found in possession of intoxicant tablets i.e. 1500 tablets in CRM-M-35617-2019 and 451.82 grams tablets containing Tramadol in CRM-M-2980-2020, have been admitted on bail.

Learned State counsel has filed the status report in the case. As per the status report, the custody and the fact that the petitioner is not facing any other case, is not in dispute. Qua the medical status, the report suggest that the petitioner is on medication for chronic bronchitis which is regularly provided to him in jail dispensary and the general condition of the petitioner is stable. He is also kept in separate barrack dedicated for prisoners suffering from chronic illness as per Covid-19 guidelines recommended by High Power Committee.

I have heard learned counsel for the parties.

Considering the medical conditioning of the petitioner and that he is in custody since 13.01.2020 and no witness has been examined in the case and also considering the orders passed in ***Sohan Lal @ Sonu's case (supra)*** and ***Tirath Ram's case (supra)***, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds

to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

However it is made clear that in case the petitioner is found indulged in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

(HARI PAL VERMA)
JUDGE

15.12.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No