

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

207

CRM-M-18360 of 2020

Date of decision : 20.08.2020.

Dinesh Pattidar

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Kanwar Arun Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.137 dated 20.06.2019, under Section 18 of the NDPS Act, 1985, registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the allegations in the FIR are that a bag containing 6 kgs. of opium was recovered from the petitioner and the co-accused, namely, Jiwan Singh. He further contends that SI Bakhshish Singh, who effected the recovery, had himself conducted the investigation, which is in violation of the judgment of the Supreme Court in the case of Mohan Lal Vs. State of Punjab, Criminal Appeal No.1880 of 2011, decided on 16.08.2018. He also contends that the petitioner is unwell and similarly situated co-accused, namely, Jiwan Singh, has already been granted regular bail by this Court in CRM-M-20192 of 2020, on 10.08.2020. The petitioner is in custody for over one year, one month and is not involved in any other case under the NDPS Act.

Learned State counsel has filed reply by way of an affidavit of the Superintendent, Central Jail, Ludhiana with regard to the medical condition of the petitioner. The relevant extract is reproduced hereunder:-

'UT Dinesh s/o Basanti lal is a known case of coronary angioplasty (LAD 95%) and hypertension as per record received from patient showing treatment history from Kota Heart Hospital, Kota, Rajasthan. Now patient complains of hypertension with breathlessness and chest heaviness on walking along with complaint of acute diarrhoea with bleeding per rectum with loss of appetite for which he was admitted in jail hospital on 05.08.2020 till today that is 10.08.2020 and is on treatment. Patient was referred to Civil Hospital Ludhiana on 06.08.2020 for further evaluation from medical and surgical specialist, where patient was investigated and ECG was done showing some abnormality for which he was prescribed medicine by specialist doctor. Currently patient is under treatment at Jail Hospital and considering the present condition of patient he requires proper evaluation and treatment from specialist doctors for proper treatment of his ailment.'

Learned State counsel also submits that the petitioner is in custody for 01 year, 01 month, 26 days as on 19.08.2020 and is not involved in any other case under the NDPS Act.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for almost 01 year and

02 months, he is not involved in any other case under the NDPS Act, he is unwell; co-accused has been granted regular bail; the COVID-19 pandemic 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 instant 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

August 20, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No