

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

222

CRM-M-20214-2020

Date of decision : 17.11.2020.

Gagandeep @ Gagan

... Petitioner(s)

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parampreet Singh Brar, Advocate for the petitioner(s).

Ms. Rashmi Attri, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.136 dated 26.04.2020, under Sections 22/29 of the NDPS Act, registered at Police Station City Faridkot,, district Faridkot.

Learned counsel for the petitioner contends that the allegations against the petitioner are that tablets of various brands of drugs were recovered from him. Tablets of Clonazepam with a total weight of 130 grams constitute commercial quantity while the other tablets which were recovered from the petitioner were of non-commercial quantity. He further contends that the petitioner is suffering from cancer and had been operated upon and is on chemotherapy. He has referred to the medical record of the petitioner from Guru Gobind Singh Medical College and Hospital, Faridkot at Annexure P-2.

He also contends that the petitioner is in custody for almost 07 months and is not involved in any other case under the NDPS Act.

Learned State counsel has filed an affidavit of Deputy Superintendent, Central Jail, Faridkot wherein medical report of the Medical Officer, Jail Hospital, Faridkot has been attached. It is mentioned therein that the petitioner has a previous history of testicular cancer and had been operated upon and was under chemotherapy. She, upon instructions from SI Harphool Singh, contends that none of the 24 prosecution witnesses has been examined. She also contends that the petitioner is in custody for 04 months and 13 days as on 11.09.2020 and is involved in another case under Section 498 IPC but there is no other case under the NDPS Act against the petitioner.

Heard through video conferencing.

In view of the medical condition of the petitioner as he is suffering from cancer; he is in custody for almost 07 months, he is not involved in any other case under the NDPS Act, 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

November 17, 2020
sonia gugnani

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