

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

CRM-M-21005-2020

Date of decision : 11.08.2020

Jaspal Singh @ Pala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Aman Dhir, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

Prayer in the instant petition preferred under Section 439 Cr.P.C. is for grant of bail in FIR No. 302, dated 11.12.2019, registered under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Lambi, District Sri Mukhsar Sahib.

Learned counsel for the petitioner has largely prayed for bail on medical grounds as the petitioner is suffering from pott spine i.e. tuberculosis of spine. A surgery was carried out on him and he was removed to Guru Gobind Singh Medical College and Hospital, Faridkot on 18.01.2020 and was discharged on 15.02.2020. The petitioner has suffered compression fracture on L4 and L5 and was operated on 28.03.2020. He is not stable and presently, he is being looked after by Psychiatry Department as is made out from the reference made on 24.04.2020 (Annexure P-2). He is in custody since 11.12.2019. He is involved in another FIR wherein only

6 kg. poppy husk was recovered and he has already undergone the sentence in that FIR.

Learned State counsel submits that challan has been filed in this case and out of nine witnesses, not even a single witness has been examined so far.

Heard.

Considering the medical history of the petitioner and the likely repercussions of COVID-19 pandemic, the fact that challan has been presented in the present case; out of nine witnesses not even a single witness has been examined; the trial is likely to take a long time to conclude, the Court feels that the present petition deserves to be allowed.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.08.2020
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(JITENDRA CHAUHAN)
JUDGE

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