

CRM-M-35035-2020 (O&M)

Date of Decision: 25.11.2020

JOHN WILLIAM

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohit Nehra, Advocate, for the petitioner.

Mr. H.S.Grewal, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking regular bail in case FIR No. 121 dated 06.04.2019 under Sections 21/61/85 of the NDPS Act, registered at Police Station Phillaur, District Jalandhar (Rural).

Precisely, the aforesaid FIR has been registered against the petitioner in pursuance of recovery of 500 grams heroin from him.

It has been pointed out by learned counsel for the petitioner that the petitioner is in custody for the last more than 1½ years and is suffering from medical ailments.

On the contrary, it has been pointed out by learned State counsel that the petitioner is foreign national and another case under Section 52-A of the Prison Act has been registered against him. Moreover, there is no allegation with regard to petitioner being suffering from medical ailment in the present petition and the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity.

In the case in hand, the quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of section 37 of NDPS Act come into play. There is nothing to suggest that the petitioner has not committed the offence and not likely to commit the offence while on bail. Moreover, the petitioner is a resident of Nigeria and chances of his fleeing from justice cannot be ruled out in the event he is granted bail. Furthermore, the earlier bail application of the petitioner has been dismissed in terms of order dated 17.07.2020. There is no significant change of circumstances to justify concession of bail to the petitioner. Moreover, in the application for grant of interim bail for medical treatment, it has been specifically mentioned that the petitioner was referred to civil hospital by the jail hospital. As such, it cannot be said that the petitioner is not being provided with appropriate medical treatment during his period of incarceration.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

25.11.2020
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(VIVEK PURI)
JUDGE

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