

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

**CRM-M No.39338 of 2020 (O&M)
Date of Decision: 14.12.2020**

Amrik Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gautam Kaile, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) for grant of interim bail to the petitioner for six months on medical grounds in FIR No.405 dated 29.11.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station Ladwa, District Kurukshetra.

As per the prosecution case, on 29.11.2018, police party led by Inspector Parteek Kumar, In-charge, Narcotic Cell, Kurukshetra was on checking near Pipli-Ladwa Road, T-Point, Village Niwarsi. At that time, Inspector Parteek Kumar received a secret information that Amrik Singh (petitioner), who is driver of Truck bearing registration No.HR-65-A-8154, coming from Pipli Side and going towards Haridwar, has brought *Poppy Straw* from Rajasthan. On receipt of information, Notice under Section 42 of the NDPS Act was prepared and sent to DSP, Ladwa through Constable

Mandeep Singh. Thereafter, a *Naka* was laid on the disclosed place and the passersby were tried to join the investigation, but refused. After about 30 minutes, aforesaid Truck was seen coming from the Pipli side and got stopped by the Inspector. The driver of the Truck disclosed his name as Amrik Singh (petitioner) son of Puran Singh and a Notice under Section 50 of the NDPS Act was prepared and served upon him. Sh. Ramesh Kumar Gulia, DSP was informed about the case and requested to come on the spot. In his presence, search of the Truck was conducted and *Poppy Straw*, weighing 60 Kg. in two plastic *Kattas* (bags), was recovered from the Cabin of Truck.

Upon notice, short reply by way of affidavit dated 09.12.2020 of Sh. Bharat Bhushan, DSP, Kurukshetra on behalf of the respondent/State has already been filed. Medical Report, prepared by Medical Officer, District Jail, Kurukshetra is also enclosed with the reply, which is as under:-

“ Amrik Singh s/o Puran Singh is prisoner in Distt. Jail Kurukshetra. He is suffering from Synovities B/L knee and he is getting regular Treatment from LNJP Hospital and Jail hospital Kurukshetra”.

It transpires that this Court, vide order dated 28.07.2020 (P-8), has already dismissed the regular bail application, filed by the petitioner, but he is claiming interim bail on account of his deteriorating health condition.

. Since the commercial quantity is alleged to have been recovered from the petitioner and he is undergoing proper treatment from LNJP Hospital, Kurukshetra, therefore, no ground is made out to grant him the concession of interim bail.

In view of the above, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

December 14th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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