

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-34825 of 2019
Date of Decision: 28.09.2020

Harjinder Singh @ Babu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.62, dated 09.04.2019, having been registered at Police Station Sadar Jagraon, Ludhiana Rural, District Ludhiana, alleging therein the commission of an offence punishable under Section 18, 25/61/85 of the NDPS Act.

This is the 2nd such petition filed by the petitioner, the first one (CRM-M-28800 of 2019) having been withdrawn on 15.07.2019.

On June 17, 2020, the following order had been passed, in CRM no.12238 of 2020 which was an application filed in the present petition, seeking interim bail for a period of 8 weeks:-

“All the cases listed today have been taken up for hearing by

way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this application, interim bail is sought for the applicant-petitioner on medical grounds, with learned counsel for the applicant pointing to the certificate issued by the jail doctor, in which it is stated that the petitioner is suffering from diabetes mellitus, hypertension and coronary heart disease and is presently on medication, 'on or off'.

He further submits that the petitioner has been in custody since April, 2019 and that there is no other criminal case registered against him.

Mr. Sullar, learned State counsel, on the other hand, submits that the petitioner was taken for a medical check-up to the PGIMER, Chandigarh but due the current pandemic, he could not be examined.

In view of the fact that the petitioner is admittedly suffering from some disease which though may not be very serious at the moment, but looking at the period of his custody and the quantity of opium recovered from him, which is 500 grams above the threshold from where commercial quantity starts, I deem it appropriate to admit him to interim bail.

Consequently, upon the petitioner furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate, he shall be admitted to interim bail till 05.08.2020, by which date he would obtain a medical certificate from a Government Hospital, showing his medical condition a few days before that date (05.09.2020).

Application stands disposed of.

CRM-M-34825 of 2019

Be listed on the date already fixed, i.e. 20.07.2020."

Thereafter, the matter was adjourned on August 05, 2020 till today, with the interim order extended.

Learned counsel for the petitioner submits that the petitioner remained in custody for one year, two months and nine days before he was admitted to

interim bail and that there is no other criminal case registered against the petitioner.

He further submits that the quantity of opium recovered from him and his co-accused (who has died in the meanwhile), was 3 kgs which is 500 gms. above the threshold of commercial quantity.

CRM-18627 of 2020 has also been filed, seeking to place on record a certificate/prescription shown to be issued by the Medical Officer, L.M. Civil Hospital, Ludhiana, stating to the effect that the petitioner (Harjinder Singh @ Babu) is unable to do heavy work and is not able to walk and was advised complete bed rest “for some days”.

The said certificate/prescription is dated July 27, 2020, i.e. two months ago.

Upon query to learned State counsel, he submits that out of 13 prosecution witnesses, two have been examined so far.

Keeping in view all the facts and though the medical condition of the petitioner does not seem to too serious, yet, simply because of the stage of the trial and the period of custody he has already put in, with there being no other criminal case registered against him, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 17.06.2020 made absolute, on the same bail and surety bonds already furnished by the petitioner.

September 28, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No