

216

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

**CRM-M No.41362 of 2019
Date of Decision: 30.01.2020**

GOURAV SHARMA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. A.P.S. Sandhu, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

In compliance of order dated 17.01.2020 passed by this Court, affidavit of Mr. Sikander Singh, PPS, Deputy Superintendent of Police (STF) Border Zone, Tarn Taran on behalf of the respondent-State filed in Court is taken on record.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.57 dated 25.06.2019, registered under Sections 21/25/61 of the NDPS Act at Police Station STF, SAS Nagar, Mohali.

FIR was registered on the basis of secret information.

The car in which petitioner along with others was travelling was

apprehended. 50 grams of heroin and an amount of Rs.1,16,000/- as drug money was recovered from the petitioner.

Learned counsel for the petitioner submitted that recovery of 50 grams of heroin is of non-commercial quantity. Learned counsel relied upon the health condition of the petitioner on the basis of certificates dated 15.07.2019 (Annexures P-2 and P-3) issued by the Rehabilitation Centre for different periods.

Vide order dated 17.01.2020, the Investigating Officer was directed to verify the ailment of the petitioner with reference to the certificates issued by the Rehabilitation Centre.

Para No.3 of the affidavit filed by Mr. Sikander Singh, PPS, Deputy Superintendent of Police (STF) Border Zone, Tarn Taran reads as under:-

“3. That it is humbly submitted that according to the certificate provided by the above Doctor Varun Gupta, it is has been revealed that the present petitioner is a case of Opioid Depending Syndrome and he remained under treatment at a Drug Rehabilitation Center from July 2018 and October 2018. The Annexures P-2 (Colly) have been issued by Dr. Varun Gupta, of Satya Mind Care Clinic with regard to the medicines prescribed to the petitioner and New Hope Rehabilitation & Treatment Center village Butari, Amritsar for taking treatment with regard to his addiction of heroin.”

Evidently, petitioner is a case of Opioid Depending Syndrome and he remained under the treatment at a Drug Rehabilitation Center from July 2018 and October 2018.

Learned State counsel on instructions from ASI Gurinder Singh submitted that the challan has been presented and it is a case of individual recovery from the accused though they were travelling in a car. Charges have not been framed.

At this stage, without adverting to the merits of the case, I am of the view that petitioner can be enlarged on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 30, 2020

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No