

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-48585-2019(O & M)

Date of Decision: August 05, 2020

MOHD YAMIN @ KALIA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.

Mr. Hitaan Nehra, Addl. AG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.83 dated 24.07.2018, under Sections 21 and 29 of the NDPS Act, registered at Police Station City-II Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that the alleged recovery from the petitioner is 10 kgs of charas while another 01 kg of charas was recovered from the co-accused. The petitioner is suffering from chronic diabetes and is also handicapped due to polio residual paralysis of both the lower limbs. He is in custody for about 02 years.

Learned State counsel upon instructions from ASI Harpreet Singh states that the petitioner is involved in several other cases under the NDPS Act and in instant case 02 out of 19 prosecution witnesses have been examined.

On 10.07.2020, learned State counsel had sought time to file an affidavit with regard to the medical condition of the petitioner and the treatment being accorded to him. The matter was thereafter adjourned to 17.07.2020 whereon more time was sought to file an affidavit in terms of the order dated 10.07.2020. Today also, learned State counsel seeks yet another opportunity to file an affidavit in terms of the order dated 10.07.2020.

Learned counsel for the petitioner has placed on record copy of the medical certificate issued by the Medical Officer, District Jail, Sangrur which indicates that the petitioner is suffering from chronic diabetes as per jail hospital record. He has also placed on record a copy of the certificate issued by the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India which indicates that the petitioner suffers from post polio residual paralysis of both the lower limbs. The assessment review comments in the certificate are reproduced hereunder:-

“Post Polio Residual Paralysis Both lower limbs

Disability - 90% Permanent

Dr. Harbans Singh
M.S. (Ortho) PCMS-I
Civil Hospital, Sangrur.”

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is suffering from chronic diabetes and is also handicapped due to polio residual paralysis of both the lower limbs, he is in custody for about 02 years, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

August 05, 2020

A.Kaundal

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