

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

CRM-M No.52596 of 2019 (O&M)

Date of Decision:24.02.2020

Manoj Kumar

... Petitioner

Versus

Union Territory, Chandigarh.

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Sukant Gupta, Addl. PP, UT, Chandigarh
for the respondent.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail in FIR No.100 dated 15.04.2019 under Section 21 of the NDPS Act, 1985, registered at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner has submitted that in the present case, the alleged recovery from the petitioner was only 7 gms. of heroin, which according to the learned counsel for the petitioner, he was consuming himself being drug addict. He has further submitted that charges were framed on 29.07.2019 and the trial in the present case is going at a very slow pace and out of 13 cited witnesses, only 03 have been examined so far. He has also submitted that so far as other cases against the petitioner are concerned, he stands acquitted in two cases, which pertained to small

quantity of heroin and he is already on bail in another case.

To a query put to the learned counsel for the petitioner as to why he had stated on the last date of hearing i.e. 27.01.2020 that the petitioner was a drug addict and he was in a bad medical condition in the jail and needs medical attention with regard to drug de-addiction process, he has stated that on the basis of the information given by the relatives of the petitioner, he had made the aforesaid statement on 27.01.2020 with regard to the medical condition of the petitioner.

On the other hand, learned State counsel has filed status report of the Senior Medical Officer, Model Jail, Chandigarh and stated that the petitioner was never given any medication for drug de-addiction and his condition was stable. Learned State counsel has opposed the grant of regular bail to the petitioner in view of the fact that he was involved in other cases also. Learned State counsel has also filed Custody Certificate, according to which, the petitioner has been acquitted in two other cases. He has further submitted that it is correct that charges were framed on 29.07.2019 and out of 13 witnesses, only 03 have been examined so far.

I have heard learned counsel for the parties and perused the record.

In the present case, the alleged recovery from the petitioner was only 7 gms. of heroin. Charges were framed in the present case on 29.07.2019 and out of 13 witnesses, only 03 have been examined till date, which shows that the trial is going at a very slow pace. So far as the plea taken by the learned counsel for the petitioner that the petitioner himself is a drug addict and wants to come out of addiction process and reformative

view may be taken with regard to the involvement of the petitioner in the present case, is concerned, it is correct that efforts should be made in a reformatory manner so that persons, who are drug addicted, may be reformed, but with a word of caution that no body should be permitted to take undue advantage of this plea that he wants to be de-addicted and, therefore, he should be released on bail. The Court has also to see the facts and circumstances of each case and the quantity of drug recovered from the accused. In the present case, only 7 gms. heroin was recovered from the petitioner and out of 13 witnesses, only 03 have been examined so far. Further, it is not the case of the State that in case, bail is granted to the petitioner, there is likelihood of his tampering with the evidence or influence the witnesses. The trial of the case has started and may take some time for final decision. Therefore, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

24.02.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No