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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-328-2021 (O&M)
Date of Decision: 01.04.2021

Mohinder Singh

Petitioner

Versus

Narcotics Control Bureau, Chandigarh Zonal Unit, Sector 25,
Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. Rajiv Sharma, Advocate for the respondent-NCB.

Mr. Deepak Bhardwaj, Additional A.G., Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

CRM-5206-2021 :

This is an application to place on record documents regarding the health of the applicant/ petitioner.

For the reasons stated therein, the application is allowed.

The documents are taken on record subject to just exceptions.

CRM-M-328-2021 :

This is a petition for grant of bail in a complaint case bearing Crime No. 24/2019, dated 14th May, 2019 under Sections 8, 18, 29 and 60 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station NCB, Chandigarh.

The brief facts are that on 14th May, 2019, working on secret information, Dinesh Kumar Suman and Ramniwas Meena

were intercepted on Panchkula-Kalka highway and 19.800 kg opium was recovered. During the investigation, it surfaced that out of recovered opium, 5 kgs were to be supplied to the petitioner. Acting on the lead, the petitioner was apprehended at the hotel owned by his wife and there was recovery of 450 grams of opium. The petitioner was nominated as accused in the same crime number.

During the pendency of the present petition, an application was moved to submit that the petitioner is aged 65 years, he is having various ailments and suffering from pancreatic problems.

The State of Haryana has filed a short reply today, same is taken on record.

Mr. A.D.S. Sukhija, learned counsel for the petitioner submits that quantity recovered is non-commercial. The petitioner is in custody since 14th May, 2019 except for a period of 45 days of interim bail on medical grounds. The challan has been presented and no recovery is to be made. The submission is that considering the number of ailments and pancreatic problem, the medical condition of the petitioner be also considered for grant of bail.

Mr. Deepak Bhardwaj, Additional Advocate General, Haryana, on the basis of instructions and reply filed today, submits that petitioner is having ailment relating to pancreas. He is being referred to the Government Medical College & Hospital, Sector 32, Chandigarh for further opinion and treatment.

Mr. Rajiv Sharma, Advocate appearing for the NCB vehemently opposes the grant of bail. The submission is that petitioner is a habitual offender. There was recovery of 19.800 kgs of opium and there is overwhelming material against the petitioner. It is further submitted that Deepak and Surender visited the hotel of the petitioner and the same is evident from the CCTV footage.

The name of the petitioner surfaced in the disclosure statement of the co-accused and the recovery is of non-commercial quantity. *Albeit* challan stands presented, the conclusion of trial is

likely to take time, petitioner is having some serious medical issues. The contention that he is habitual offender is not being commented upon at this moment. Suffice to say that present petition is outcome of Crime No. 24/2019.

Considering the facts and circumstances in totality, the petitioner is directed to be released on bail on his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is allowed.

However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

1st April, 2021

pankaj barweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes