

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-11367-2021(O&M)

DATE OF DECISION: 10.08.2021

SHINDA SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Deepak Gupta, Advocate for the applicant/petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.02 dated 02.01.2021, under Sections 21, 22 of the NDPS Act, registered at Police Station Sadar Moga, District Moga.

Learned counsel for the petitioner contends that 1040 loose intoxicant tablets containing Tramadol with a total weight of 412 grams were allegedly recovered from the petitioner. He further contends that the petitioner is polio affected and suffers from 98% disability in the lower limbs. A copy of the disability certificate is annexed as Annexure A-1 in CRM-11954-2021. He also contends that in June, 2020, the petitioner met with a road accident and had suffered multiple fracture on his body. Copy of the discharge summary and x-ray films are attached as Annexure P-2 and Annexure P-23 respectively in CRM-22261-2021.

Learned State counsel, upon instructions from ASI Palwinder Singh, contends that challan has been filed but no prosecution witness has been examined. He has filed the affidavit of DSP City Moga, wherein report of the Medical Officer, Jail Hospital Faridkot has been appended which is reproduced hereunder:-

1. That the above said patient is last referred out to Civil Hospital-Faridkot on dated 23.06.2021. He was investigated through X-ray procedure and no fracture was detected. (Annexure 1 & 2).

2. That no operative procedure was ordered and he was prescribed routine oral pain killers and multivitamins.
3. That he reports of right hip pain, which probably is related to his deformed bodily structure due to polio of both thighs.
4. That his current medical condition needs to be managed through non-invasively through medicines and physiotherapy exercises, to improve his mobility.”

Learned State counsel also contends that the petitioner was also involved in three other cases. He further contends that intoxicant tablets containing Tramadol with a total weight of 412 grams (approximate) was effected from the petitioner.

Learned counsel for the petitioner, however, contends that the petitioner had been acquitted in FIR No.136 while he was convicted in FIR No.41 and 51 and sentenced to undergo imprisonment for a period of 1 month and 2 months respectively as the recovery was non-commercial quantity. These FIRs were registered in the year 2014 and thereafter, the health of the petitioner has deteriorated.

Heard.

In view of the above, especially when the petitioner is physically challenged, he is in custody for over 7 months, the 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 instant 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.

Upon his release from Jail, the petitioner shall go to the police station Sadar Moga and shall furnish his mobile number to the SHO and keep location of his phone on till the conclusion of the trial.

(ANUPINDER SINGH GREWAL)
JUDGE

10.08.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No