

DARSHAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

This is the fourth petition under Section 439 Cr.P.C for grant of regular bail in the case bearing FIR No. 187 dated 04.08.2019, under Section 22(c) and 27(a) of NDPS Act, 1985, registered at Police Station Sadar Tohana, District Fatehabad.

Precisely, the case has been registered in pursuance of recovery of 2700 tablets of Tramadol Hydrochloride, 1200 tablets of Alprazolam and 100 injections of Pentazocine Lactate.

It has been contended by the learned counsel for the petitioner that he is suffering from physical ailments, there is discrepancy with regard to the timing and description of the place of recovery as mentioned in the site plan and is in custody since 04.08.2019. Furthermore, the petitioner was granted interim bail on health grounds, he surrendered in time and there is nothing to suggest that he has misused the concession of bail.

On the contrary, it has been argued by the learned State counsel that

in the site plan, if any, will be seen at the stage of trial and furthermore, the earlier application for bail of the petitioner has been dismissed by a speaking order on 06.11.2020 passed in CRM-M-34675-2020. The weight of the recovered contraband in the instant case is to the extent of 1 kg 550 grams of Tramadol Hydrochloride, and 240 grams of Alprazolam. Besides, 100 ml of Pentazocine Lactate has been recovered from him. The quantity of contraband recovered from the possession of the petitioner falls in the category of commercial quantity.

In the instant case, though applicant/petitioner was granted interim bail on health grounds but it is significant to note that the affidavit dated 06.08.2021 of Birem Singh, HPS, Deputy Superintendent of Police Tohana, District Fatehabad, the medical report is as follows:-

“ In view of his illness patient was again refer to MAMC Agroha on dated 26.07.2021 and patient was examined by Cardiologist Dr. Amit Munjal (DM Cardiology) and treatment was optimized accordingly for 1 month & advised him low fat diet and other precaution. At present, the condition of said male patient is stable with mild chest pain present. The regular treatment is given to said patient regularly in the jail as and when required.”

As such, it will not be appropriate to extend the concession of bail to the petitioner on health grounds as regular treatment is being provided to him in the jail as and when required.

Furthermore, the discrepancy with regard to the time and non-mentioning of the bushes in the site plan where the petitioner allegedly sat on seeing the police party will be seen at appropriate stage by the learned trial Court. Besides, the argument on the basis of the aforesaid infirmities was available to the petitioner at the time of the disposal of his earlier application, which was dismissed by a speaking order. The quantity of contraband recovered from the

possession of the petitioner falls in the category of commercial quantity. As such, stringent provisions of Section 37 of the NDPS Act come into play. There is nothing to suggest that the petitioner has not committed offence and is not likely to commit the offence while on bail. No significant change of circumstances is made out to extend the concession of bail to the petitioner.

For the aforesaid reasons, the present petition is dismissed.

03.09.2021
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(VIVEK PURI)
JUDGE

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