

CRM-M-21583-2020

Date of Decision: 17.03.2021

Kulwant Singh @ Kanta

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present: Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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(Through Video Conferencing)

**ARVIND SINGH SANGWAN, J.(ORAL)**

Prayer in this second petition under Section 439 of Code of Criminal Procedure, 1974 is for grant of regular bail to the petitioner in case FIR No.161, dated 25.09.2019, under Section 15 of NDPS Act, 1985, registered at Police Station Sadar Bathinda, District Bathinda, Punjab.

Learned counsel for the petitioner submits that the petitioner is suffering from serious health problem and he has undergone 1 year and 5 months of actual custody and the trial is not likely to conclude shortly.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the police authority apprehended the petitioner and recovered 60 kgs. of poppy husk, which was in four bags of 15 kgs. each.

At the request of learned counsel for the petitioner, the Superintendent, Central Jail, Bathinda, was directed to file a status report regarding the health condition of the petitioner. Reply by way of affidavit of Superintendent, Central Jail, Bathinda has been filed today along with custody certificate. As per the custody certificate, the petitioner has

undergone about 1 year and 5 months of actual custody and he is involved in one case under the IPC and one more case under the NDPS Act, in which, he is on bail.

The Medical Officer, Central Jail, Bathinda, has reported about the health condition of the petitioner as under :-

*“Patient is recently diagnosed with Hepatitis-C and scheduled for Medicine Specialist consultation at Civil Hospital, Bathinda. Patient is complaining of blood in sputum. Patient is known case of T.B on ATT completed 02 years back (as per history given by patient, no written record present) and patient was scheduled for chest & T.B consultation at Civil Hospital, Bathinda. Patient was examined at Civil Hospital Bathinda and report for AFB sputum pending. Patient rescheduled chest - T.B and medicine department at Civil Hospital Bathinda on 17.03.2021. Required treatment is being provided to patient.”*

I have heard learned counsel for the parties.

Considering the fact that trial is not likely to be concluded shortly and also in view of the health condition of the petitioner as he has been diagnosed with Hepatitis-C and Tuberculosis and also considering this aspect that Tuberculosis is communicable disease and it may communicate to the other fellow inmates of the jail, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate, concerned.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**March 17, 2021**

Manpreet

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