

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

287

CRM-M-31945-2021

DATE OF DECISION: 09.12.2021

SANDEEP KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.172 dated 26.06.2020, under Sections 21 & 22 of the NDPS Act, 1985, registered at Police Station Mulana, District Ambala.

Learned counsel for the petitioner contends that the alleged recovery which has been effected from the petitioner is 451.2 grams of Tramadol. The petitioner is in custody for about 10 months. He is not involved in any other case under NDPS Act. The petitioner is also suffering from 100 % disability of his lower limbs and on account of Post Polio Residual Paralysis (PPRP). He has furnished handicapped certificate issued from Civil Hospital, Ambala City which is taken on record.

Learned State counsel has filed an affidavit of DSP Barara, Ambala on behalf of respondent No.7 which is taken on record. It is stated in the affidavit that as per medical report, the petitioner is suffering from Polio since birth and moves with support of both his hands. A copy of the medical certificate is annexed as Annexure R-2. He has also filed custody certificate which indicates that the petitioner is in custody for a period of 10 months and

20 days. He, upon instructions from DSP Rajneesh Kumar, also contends that challan has been filed but no prosecution witness has been examined.

Heard.

In view of the above, especially when the petitioner is physically challenged, he is in custody for over 10 months, he is not involved in any other case under the NDPS Act, 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.

(ANUPINDER SINGH GREWAL)
JUDGE

09.12.2021

SwarnjitS

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