

204

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 22.03.2021

1. CRM-M No.26433 of 2020 (O&M)

Ummeda Ram Bishnoi

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.43830 of 2020 (O&M)

Mukesh Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner (in CRM-M-26433-2020)

Ms. R.K. Grewal, Advocate
for the petitioner (in CRM-M-43830-2020)

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Ummeda Ram Bishnoi and Mukesh Kumar, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0103 dated 03.03.2020, for offence punishable under Section 18 of of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra.

Counsel for the petitioner – Ummeda Ram Bishnoi has submitted that as per the allegations in the FIR, the police party received a secret information that 02 boys are coming towards the Railway Station on foot and are carrying some intoxicant substance.

On enquiry, the first boy revealed his name as Mukesh and the second boy disclosed his name as Ummeda Ram. Thereafter, a notice under Section 50 the NDPS Act was given to both the suspects separately and the Deputy Superintendent of Police, Kurukshetra was called at the spot.

In the personal search of Mukesh Kumar and the bag which he was carrying on his back, 06 Kg and 280 gms of Opium was recovered whereas no recovery was effected from the personal search of Ummeda Ram Bishnoi.

Counsel for the petitioner has further argued that both the petitioners are in custody since 09.03.2020 i.e. for a period of more than 01 year and they are not involved in any other case and challan stands presented, however, charges have not yet been framed.

Counsel for the petitioner – Mukesh Kumar, has argued that at present, Mukesh Kumar is diagnosed with HIV+ and the Superintendent, District Jail, Kurukshetra was directed to file a Medical Certificate regarding the health condition of the petitioner – Mukesh Kumar and as per the same, it has been reported as under:-

“Mukesh Kumar S/o Dwarka Parsad is under trial prisoner in District Jail Kurukshetra. He was diagnosed HIG “+” with ICTC PID No.MP-NMH-18-4836 at Madhya Pardesh and “Scabies” Anal Fissure with

bleeding per rectum. He is taking treatment from LNJP Civil Hospital, Kurukshetra, KCMC Hospital Karnal & PGIMS Rohtak. At present his condition is stable.”

Counsel for the petitioner – Mukesh Kumar has also submitted that since the petitioner – Mukesh Kumar is suffering from serious health problem and the conclusion of the trial will take long time as even charges have not yet been framed and thereafter, the prosecution evidence will be recorded and thus, the petitioner be granted the concession of regular bail.

With regard to the health condition, the petitioner – Mukesh Kumar has also relied upon the detailed medical history from Kalpana Chawla Government Medical College Hospital, Karnal.

Counsel for the State on the basis of the Custody Certificates has not disputed the factual position but opposed the prayer for bail. It is also submitted that the petitioners are not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last more than 01 year; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, these petitions are allowed and the petitioners namely Ummeda Ram Bishnoi and Mukesh Kumar are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.03.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No