

CRM-M-26767-2020

Date of Decision: 31.08.2021

Karnail Singh alias Kalli

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jasdeep Singh, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, A.A.G, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 11.09.2020, the following order had been passed by this
court:-

*“All cases listed today have been taken up
for hearing by way of video conferencing because of the
situation existing due to the COVID-19 pandemic.*

*This petition has been filed under the
provisions of Section 439 of the Cr.P.C., seeking 'regular
bail' for the petitioner in case FIR no. 87, dated
21.07.2020, registered at Police Station STF Phase 4,
SAS Nagar Mohali, for the alleged commission of an
offence punishable under Section 21 (c) of the NDPS
Act, 1985.*

*Learned counsel for the petitioner submits
that though undoubtedly the allegation in the FIR is that
heroin was recovered from the car in which the
petitioner was travelling (not driven by him) and
that the co-accused and the petitioner were taking*

advantage of the petitioners' low vision, however, as a matter of fact the petitioner is 100% disabled as regards his vision, even as per the medical certificate, Annexure P-2, dated 19.01.2011, certified by a Medical Board.

He further submits that therefore if any of his co-accused were carrying any contraband, that cannot be foisted on the petitioner.

He next submits that there is no other criminal case registered against the petitioner.

Learned State counsel submits that the the petitioner is not shown to be 100% disabled in the FIR but with only low vision.

However, he does not deny that there is no other criminal case registered against the petitioner.

That being so, without making any comment on the actual merits of the case the petitioner, it is considered appropriate to admit the petitioner to interim bail.

Consequently, he is ordered to be admitted to interim bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned, till the next date of hearing before this court.

A reply of a gazetted officer be filed by the next date of hearing, after getting the petitioner first tested for the COVID-19 virus and thereafter getting his vision again tested from a Government hospital.

The certificate issued as regards the vision of the petitioner be annexed along with the affidavit of the gazetted officer, as would be filed.

Adjourned to 16.11.2020.”

Subsequently, an affidavit of Sh. Sukhamrit Singh, P.P.S., Deputy Superintendent of Police, Special Task Force, Patiala, dated 13.11.2020, has been filed, admitting therein that the petitioner is 100% blind but with him further stating that he and his co-accused “do their business of purchasing the drugs on lower rates and sell it on higher rates under the guise of Karnail Singh @ Kaily, so that the police may not cast doubt upon them, being him blind.”

It has also been stated that the petitioner was found in possession of two sim cards and as per an analysis thereof, the location of him and his co-accused was found to be the same while they had gone to Delhi for the purchase of drugs, after which they were coming back together (as per the case of the investigating agency).

The reply is ordered to be taken on record.

Having considered the matter, as regards the petitioner in this petition, with it admitted that he is 100% blind and with there stated to be no other criminal case registered against him, without making any comment on whether or not he was actually aware of what his co-accused were (allegedly) doing, even though he is stated to have been present with the other two accused, even in terms of Section 37 (1) (b) (ii) of the NDPS Act, 1985, it is considered appropriate that he be admitted to bail and consequently, the petition is allowed and the order dated 11.09.2020 made absolute, on the same terms and conditions.

August 31, 2021
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.