

In virtual Court

CRM-M-40847-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40847-2020 (O&M)
Date of decision: 25.01.2021

Supinder Singh

... Petitioner

Vs.

Union of India

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jagdeep Chahal, Advocate
for the petitioner.

Ms. Sharmila Sharma, Senior Panel Counsel for UOI.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 3rd petition for grant of regular bail in case Crime No.40/2019 dated 22.08.2019 under Sections 8, 15, 29, 60 of NDPS Act, registered with NCB, Chandigarh; earlier two petitions were dismissed as withdrawn on 21.11.2019 and 16.07.2020.

Learned counsel for the petitioner submits that new ground for filing this petition is that health of the petitioner is deteriorating in jail and till date, despite he being in custody for the last about 01 year and 05 months, trial is not proceeding. It is further submitted that as per allegations in the case, a secret information was received that two persons namely Gurmeet Singh

(driver) and Gurminder Singh @ Gurvinder Singh (helper), driving truck No.PB-65AH-0731, are involved in trafficking of huge quantity of poppy husk and are going to deliver the same to truck owner namely Baljit Singh @ Billa. One escort vehicle bearing registration No.CH-01AT-0749 driven by Mahinder will meet the truck between Dappar and Dera Bassi. On receiving the information, the vehicles were apprehended and on search of the truck, 352 kg of poppy husk, kept in different plastic bags, was recovered.

Learned counsel for the petitioner further submits that on the basis of call details, it came that the petitioner is also controlling the said business. It is also submitted that after arrest of the petitioner, his disclosure statement was recorded on 22.08.2019 and in view of judgment of the Hon'ble Supreme Court passed in **Criminal Appeal No. 152 of 2013 titled as 'Toofan Singh vs. State of Tamil Nadu**, it will be a question to be decided during the trial whether the same is admissible against him or not.

Learned counsel for the petitioner has also relied upon the report of Medical Officer, Central Jail, Patiala, which reads as under: -

"...Patient was regularly sent to Rajindra Hospital, Patiala, MRI and X-Ray were done. After MRI Patient was diagnosed with early degenerative changes of lumbar spine with diffuse disk bulge and annular tear at L4-L5 level causing spinal canal stenosis and neural compromise.

Patient was referred multiple times but guard was missed due to non availability of guard due to Covid-19.

Patient is referred to Rajindra Hospital Patiala on

18.01.2021 ortho and neduro department for further management.

Delay in the treatment puts patient at risk of permanent loss of sensation and motor power...”

Learned counsel for the petitioner has thus submitted that on account of delay in treatment, the petitioner is at high risk of deteriorating his health condition.

Learned State counsel has filed reply by way of affidavit of Superintendent, Central Jail, Patiala along with aforesaid certificate of the jail doctor. The affidavit also finds the report of Department of Radio-diagnosis, Rajindra Hospital, Patiala, where as Board of Doctors has also opined as under:-

“P.D.: -

Early degenerative changes of lumbar spine with diffuse disc bulge and annular tear at L4-L5 level causing spinal canal stenosis and neural compromise as described.”

Learned State counsel has further submitted that as per the custody certificate, as on today, the petitioner is in custody for the last about 01 year and 04 months and is not involved in any other case. It is further stated that though the case is now fixed for recording the prosecution evidence, however, till date, no PW has been examined and trial was delayed due to COVID-19 situation in the country.

Without commenting anything on merits of the case, considering the long custody of the petitioner; stage of the trial; the fact that his involvement is primarily based on his own disclosure statement and also

In virtual Court

CRM-M-40847-2020

-4-

considering his health condition, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

25.01.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No