

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

Sr. No.201

CRM-M-8901-2019 (O&M)

Date of Decision : January 31, 2022

Baljinder Singh @ Bhumbli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Jigyasa Tanwar, Advocate, for the petitioner.
Ms. Ambika Bedi, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

FIR No.58 dated 23.04.2016 was registered against the petitioner at Police Station Daba, District Ludhiana, under Section 22 of the NDPS Act, 1985 on account of recovery of 270 grams of powder which on chemical examination was revealed to be Diphenoxylate Hydrochloride. Thus, CRM-M-8901 of 2019 was filed for grant of regular bail. During the pendency thereof, the petitioner was released on interim bail for a period of six months. Keeping in view his medical condition, the order of interim bail was extended from time to time but was ultimately vacated on 20.08.2021 as the medical report stated that his condition had improved. Main case i.e. CRM-M-8901-2019 was adjourned for final arguments. Thereafter, CRM-40166-2021 was filed for a fresh medical examination as allegedly the medical condition had again deteriorated.

This order shall dispose of both the aforementioned applications.

Short reply dated 12.01.2022 was filed by the Jail Superintendent along with the medical report which showed that there was a decrease in appetite and pain due to right renal calculus.

Learned counsel for the petitioner had contended that on account of his medical condition, the petitioner had lost a lot of weight and weighed only 35 kgs. despite being 37 years of age.

Photograph was thus called for and the same has been submitted. It shows that the petitioner has in fact lost a lot of weight.

In view of the above, although the medical report says that adequate treatment can be made available in the jail hospital, I deem it appropriate to grant regular bail to the petitioner. It is directed that he be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

Custody certificate dated 13.01.2022 shows that there are two other cases under the NDPS Act, 1985 pending against the petitioner. In the said cases, he has been released on regular bail within a short period of time. This shows that small quantity of contraband was recovered from the petitioner. Recovery of small quantities of drugs from the petitioner coupled with the fact that he is a chronic patient of Hepatitis-C also gives an indication that the petitioner appears to be an addict.

It is thus directed that he should mark his presence in the local police station after every 04 weeks and in case afresh FIR under the NDPS Act, 1985 is registered against him, the concession of bail shall be withdrawn forthwith.

January 31, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No