

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12658-2022

DATE OF DECISION: APRIL 7, 2022

JATINDER KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. JASHAN BIR SINGH, ADVOCATE
FOR MR. G.S. SANDHU, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.125 dated 6.5.2021, under Section 22(C) NDPS Act, Police Station City Sri Muktsar Sahib, who is in custody since his arrest on 6.5.2021.

As per the allegations levelled in the FIR, on 6.5.2021, when a police party headed by S/CT Paramjit Singh was going for checking at Bus Stand Sri Muktsar Sahib to Abohar Road Bypass Chowk, on the right side turn of the street, a man was seen standing carrying a plastic bag in his hand. On seeing the policy party, he got perplexed and threw the plastic bag and tried to run away towards the street. On suspicion, he was apprehended and disclosed his name was Jatinder Kumar @ Kaka. Plastic bag was taken into possession and on search, 2400 intoxicant tablets were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has invited the attention of the Court to the medical record of the petitioner, issued by the Medical

Officer, Jail Hospital, Faridkot (Annexure P-3) to contend that he suffers from multiple ailments, who is having poor vision and is also hard of hearing. He submits that as per the prosecution, 2400 tablets of Tramadol Hydrochloride (Clovidol-100 SR) were recovered and as the investigation of the case is also complete, he be released on bail.

On the other hand, learned State counsel assisted by ASI Baldev Singh has opposed the aforesaid prayer on the ground that the recovered contraband is commercial in quantity, but does not dispute the ailments suffered by the petitioner. He has further produced the custody certificate of the petitioner dated 6.4.2022, filed by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot, which shows that he is not involved in any other case of similar nature.

Considering the above background, the custody of the petitioner, his health condition and the fact that only three prosecution witnesses have been examined so far out of total 16 witnesses, the trial would take considerable time to conclude, therefore, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

April 7, 2022

Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No