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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21807 of 2022 (O&M)

Date of decision: 25.07.2022

Bittu Deen

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.126 dated 01.10.2021, registered under Sections 15-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 29 of the NDPS Act added later) at Police Station Maqsudan, District Jalandhar (Rural).

The earlier one was dismissed as withdrawn with liberty to file afresh petition with better particulars.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of SI Manjit Singh, a secret information was received that the petitioner Bittu Deen along with one Alamdeen is indulged in the business of selling poppy husk and is coming in a truck bearing registration No.HP38-E-9890. Thereafter, a barrier was laid and the aforesaid truck was apprehended,

which was found driven by the petitioner – Bittu Deen and the person sitting on the co-driver seat, disclosed his name as Alamdeen. Thereafter, the recovery of 125 Kgs of poppy husk was effected in the presence of a Deputy Superintendent of Police. It is also submitted that the petitioner is praying for interim bail on medical grounds.

Reply by way of affidavit of the Superintendent, Central Jail, Kapurthala filed in the Court along with the certificate of the Medical Officer, Central Jail, Kapurthala, is taken on record. The report of the Medical Officer, Central Jail, Kapurthala, reads as under:-

“As per record patient named Bittu Deen s/o Yusuf Deen came to Central Jail Hospital with the complaint of Chest Pain and palpitations. He is suffering from HIV and HCV positive and is on medications for these diseases. Patient has history of fall due to which he got injury to the left elbow joint. No external injury was present. Treatment was given to him for pain management. Patient has history of being operated upon left arm due to accidental injury which he got 2.5 years back. Patient was referred to Civil Hospital Kapurthala on 20/07/2022 for increased B.P. and increased pulse. His ECG and Blood tests were done there. His vitals were 167/81 mmHg, pulse rate is 129 bpm, for which medicines were prescribed to him inj. Lasix 20 mg, Tb. Sorbitate. Currently Patient is admitted in Jail Hospital. Currently his condition is stable. Now his BP is 128/82 mmHg and pulse rate is 78 BPM with these medicines. No serious injuries were suffered by inmate inside the Jail.”

Separately, the custody certificate of the petitioner is also filed in the Court, which reflect that the petitioner is in custody for the last 09 months and 19 days and the petitioner is not involved in any

other case.

Counsel for the State on the basis of the reply and Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 09 months and 19 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is partly allowed and the petitioner is directed to be released on interim bail for a period of 03 months, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it is made clear that the petitioner will surrender before the trial Court on or before 31.10.2022 at 10:00 AM.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

25.07.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No