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

CRM-M-39676-2021 (O&M)

Decided on: 16.05.2022

Samrat Sabharwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
41	21.05.2021	Division No.4, Jalandhar, District Jalandhar	21 of NDPS Act

1. The petitioner under arrest for violating the provisions as mentioned above of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), per the FIR captioned above, has come up before this Court under Section 439 CrPC seeking interim bail on the following grounds:

“That the petitioner submits that as per the police case the recovery has been affected from Ashwani Kumar s/o Desh Raj, who is running Shiv Shakti Medical Store' and recovery affected from the said person has been partly planted upon him, especially when nothing has been recovered from him, and a false case has been planted upon the petitioner without any recovery. It is further submitted that at about 4:45 Pm he on 20.05.2021 was arrested, and thereafter at 08:52 Pm 20.05.2021 video regarding the arrest of the petitioner was viral and on receiving the said information the brother of the Petitioner went to the Police Station Jalandhar but he was not allowed to meet the Petitioner and furthermore the other respectable persons namely Paras Sareen was also there and their mobile location at relevant time can be seen because after keeping the petitioner in custody the police has recorded the F.I.R' that at midnight 1:30 AM on 21.05.2021 the petitioner was found in the shop and the recovery was made.

That the petitioner submits that he has also moved the application before the Court that the video footage of C.C.T.V camera pertaining to the shop of Nishad Chopra and Aditya. Mittal may be preserved related to 20.05.2021 so the truth can be detected and furthermore the petitioner has only implicated because he was having business relation with Ashwani Sharma who is also running Krishna Medical Store and the recovery alleged recovered from Ashwani Sharma has been planted on the petitioner partly in planned manner.”

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2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.

3. Ld. counsel for the petitioner submits that he would confine his prayers to limited time interim bail on medical grounds and seeks liberty to file a bail on merits. The prayer appears to be genuine and is allowed. The present petition is confined to medical grounds and liberty reserved to file bail on merits after surrendering on completion of the period of interim bail.

4. Ld. Counsel for the petitioner contends that the denial of interim bail on medical grounds would cause an irreversible injustice to the petitioner and family.

5. While opposing the interim bail, Ld. counsel appearing for the State does not dispute the factum of the grounds on which the petitioner is seeking interim bail.

REASONING:

6. A perusal of the medical record reveals that the petitioner is suffering from stones in the gallbladder which has affected the pancreas, which have swollen, and there is a risk of pancreatic attack or disease. Even the State has verified the fact of the petitioner's illness.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

8. Given above, provided the accused is not required in any other case, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

9. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station

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and the concerned Court.

10. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

11. Immediately on reaching home/venue, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till surrender.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

13. **It is clarified that in case the petitioner takes undue advantage of the limited time bail or does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a limited period bail on health grounds but he did not mend ways.**

14. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

15. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

16. **The petitioner shall surrender in prison from where he was released, on or before June 15, 2022, by 5P.M., and also handover self-attested copies of the medical reports showing the treatment.**

17. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the*

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official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

16.05.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.