

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

CRM-M-41071-2021 (O&M)

Date of decision: 20.04.2022

Om Parkash

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Mayur Lakhanpal Kalia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 276 dated 05.06.2021, registered under Sections 21, 22, 25 and 29 of the NDPS Act, 1985 at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Lakhwinder Singh, it is stated that while on patrol duty, a secret information was received that co-accused Sukhwinder Singh @ Jassi and Babli Kaur are indulged in the business selling Heroin and are coming on a motorcycle looking for the customers and they can be apprehended. On receiving such information, a ruqa was sent to the police station for registration of the FIR and thereafter, the aforesaid persons were arrested and recovery of 2000 tablets of Tramadol and 30 grams of Heroin was effected.

Learned counsel for the petitioner further submits that the

petitioner was not named in the secret information and his name surfaced only in the disclosures of aforesaid co-accused.

It is further submitted that the petitioner is not involved in any other case under the NDPS Act; is in judicial custody for the last 10 months and 14 days and he is suffering from acute kidney problems.

Reply, by way of the affidavit of Superintendent, District Jail, Barnala along with report of the Medical Officer as well as custody certificate, has been filed today in Court. As per report of the Medical Officer, the petitioner is diagnosed with “**Bilateral renal calculi with left ureteric calculus**” for which he has been given required medicine as per General Surgeon advice and he requires constant treatment from the hospital.

A perusal of the custody certificate shows that petitioner is in judicial custody for the last 10 months and 14 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 10 months and 14 days; he is not involved in any other case; conclusion of trial may take some time and also considering the health condition of the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

20.04.2022

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*