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

CRM-M-45373-2023 (O&M)

Date of Decision: 05.10.2023

Prabjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anmol, Advocate,
for the petitioner

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.6 dated 07.03.2022, under Sections 21, 25 & 29 of the NDPS Act, registered at Police Station SSOC, Amritsar District Amritsar.

2. On the last date of hearing, learned counsel for the petitioner had submitted that at this stage she does not wish to press the prayer for grant of regular bail and on her oral request, the prayer for grant of interim bail to the petitioner may be considered in view of the medical status of the wife of the petitioner regarding which documents have been attached in the accompanying application.

3. This Court had directed the learned DAG, Punjab to seek instructions with regard to the medical status and also as to whether there is

anybody to look after the wife of the petitioner or not.

4. Today, an affidavit has been filed by DSP, Counter Intelligence, Amritsar on behalf of the respondent/State and a copy thereof has also been supplied to the learned counsel for the petitioner.

5. Since now the prayer made by the learned counsel for the petitioner is only for grant of interim bail on medical grounds of the wife of the petitioner, this Court would, therefore, deal with the prayer for grant of interim bail. As per the affidavit filed by the State, the wife of the petitioner is living at her parental house after her marriage and the mother-in-law of the petitioner is looking after her daughter, who is the wife of the petitioner and his minor son. So far as the medical of the wife of the petitioner is concerned, it has been so stated in the affidavit that the wife of the petitioner is having a disease, namely, 'Sensory Radial Nerve (Left) Asonal Injury' in her arms and the treatment thereof is going on at Life Kare Hospital, Fatehgarh Churian Road, Amritsar on outdoor basis and the doctor has mentioned that 'Patient is in stable condition'. The statement of the wife of the petitioner, her mother, the medical certificate and the report of the Incharge, Counter Intelligence, Unit City Amritsar are also attached along with the affidavit.

6. It has been further stated in the affidavit that it is a case where the petitioner is involved in 7 more cases out of which 3 pertain to NDPS Act and so far as the present case is concerned, the allegation against the petitioner was that while he was in judicial custody, he was having a mobile phone through which he was in contact with the drug smugglers and he was operating the gang for drug peddling. Allegedly, the petitioner got delivered

Heroin twice to the accused persons, namely, Charanjit Singh and Balbir Singh and last time, he got delivered 500 gms. *Heroin* to the accused Charanjit Singh and Balbir Singh on 06.03.2022, which was recovered from them on 07.03.2022 in the presence of DSP, Amritsar in the present FIR and even both the aforesaid accused have suffered disclosure statements in this regard. It is further stated in the affidavit that the mobile phone which was being used by the petitioner in jail for drug peddling was recovered from him and there is a sufficient incriminating evidence available on record which very well connects the petitioner with the recovery of contraband from the other co-accused.

7. At this stage, the learned counsel for the petitioner has submitted that so far as the involvement of the petitioner in the previous cases under the NDPS Act is concerned, he has already been acquitted in those cases.

8. I have heard the learned counsel for the parties.

9. The only prayer made in the present petition is for grant of interim bail to the petitioner on the medical ground of his wife. However, as per the affidavit filed by the State, the wife of the petitioner is stated to be in stable condition and she is living with her mother at her parental house. The allegations against the petitioner as so stated in the affidavit are quite serious. The recovered quantity of *Heroin* from the other co-accused is also falling in the category of commercial quantity and therefore, the bar contained under Section 37 of the NDPS Act is also operative in the present case.

10. Therefore, considering the totality of the facts and

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circumstances of the present case, this Court does not find any merit in the present petition and the same is, hereby, dismissed.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

05.10.2023

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No