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2023:PHHC:071905

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50922-2022 (O&M)

DECIDED ON: 17.05.2023

MUKHTIAR SINGH @ LADDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-19323-2023

Application is allowed as prayed for.

Annexure P-5 is taken on record subject to all just exceptions.

CRM-M-50922-2022

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 114, dated 07.09.2021, under Section 22/61/85 of NDPS Act, registered at Police Station Sadar Jalalabad, District Fazilka (Annexure P-1).
2. In compliance to the previous order dated 13.03.2023, learned State counsel has produced the medical status report by way of short affidavit dated 16.05.2023 of Rajiv Kumar Arora, PPS, Superintendent, Central Jail, Faridkot, which is taken on record.
3. A perusal of the aforesaid medical report itself is self explanatory

to the medical health of the petitioner, who needs regular assistance even for carrying out his normal day to day activities in the Jail and, therefore, it would not be appropriate to keep the petitioner behind the bars, which would tantamount to violation his right to life, which includes right to live in good health with congenial atmosphere as well, apart from speedy trial. In the instant case, the trial is at the stage of prosecution witnesses, wherein out of total 12 PWs, none has been examined so far, after framing of charges on 29.04.2022, which shows in addition to the aforesaid circumstances lackluster approach of the prosecution i.e., State Agency.

4. In the light of aforesaid facts and circumstances, this Court deems it a fit case to enlarge the petitioner on regular bail, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

5. The present petition is allowed in the aforesaid terms.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

17.05.2023

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>