

2024:PHHC:147853



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

293

CRM-M-46702-2024 (O&M)
Date of decision: 12.11.2024

Jagmeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Atul Gaur, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of BNSS, 2023, is for grant of regular bail in case bearing FIR No. 130 dated 29.07.2023, registered under Section 22 (C) of the NDPS Act, 1985 at Police Station City Malout, District Sri Muktsar Sahib.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 29.07.2023, the petitioner and co-accused Wazir Masih, while coming on a motorcycle, were apprehended by a police party headed by SI Karamjit Singh and recovery of 2100 tablets of Colovidol-100 SR having salt of Tramadol Hydrochloride was effected from the joint possession of the petitioner and aforesaid co-accused. Both of them were arrested at the spot. After completion of investigation, challan was presented before the Court on 17.11.2023 and presently, the petitioner along with co-accused is facing trial. He had moved an application before the trial Court for

2024:PHHC:147853



grant of regular bail but the same had been dismissed, vide order dated 27.10.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was not present at the spot. Rather he was picked up from his house. Mandatory provisions of Section 50 of the NDPS Act were not complied with. It is also argued that the petitioner has undergone a surgery for Total Hip Replacement (right side) at All India Institute of Medical Sciences, Bathinda on 09.01.2024 during custody and is not able to even walk and sit properly. He is not able to perform even his daily bodily needs. Investigation has since been completed and *challan* has been filed. The conclusion of trial is likely to take time. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail keeping in view the aforesaid facts and his miserable medical condition.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner along with co-accused was apprehended by the police party and recovery of 2100 tablets of *Tramadol Hydrochloride* was effected from their joint possession. Since the quantity of the recovered contraband falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. In compliance with order dated 04.11.2024, learned State counsel has filed a latest status report along with medical status report of the petitioner. Learned State counsel, in terms of the said status report, has submitted though the medical condition of the petitioner is not

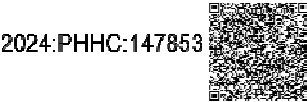
2024:PHHC:147853



good, however, keeping in view the quantity of the recovered contraband, he is not entitled to get benefit of regular bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner along with co-accused Wazir Masih was apprehended by the police party on 29.07.2023 and recovery of 2100 tablets of *Tramadol Hydrochloride* was effected from their joint possession. The quantity of the contraband recovered from the petitioner and co-accused obviously falls under the commercial quantity. Hence, in view of the bar created under Section 37 of the NDPS Act, he is not entitled to be released on regular bail in normal course. The petition seeking grant of regular bail, filed by co-accused Wazir Masih, who is on the similar footing with the petitioner, has already been dismissed by this Court, vide order dated 05.11.2024 passed in **CRM-M-20428-2024**. However, the petitioner has prayed for grant of regular bail on medical grounds also by submitting that he is not maintaining good health due to the surgery of his hip replacement. This Court has perused the medical status report dated 09.11.2024 of the petitioner, wherein the Medical Officer, District Jail Sri Muktsar Sahib has reported that the petitioner is presently suffering from multiple medical problems like insomnia, anxiety, severe headache and drug abuse. He is also having problem of bilateral avascular necrosis of hip, severe pain and swelling in both hip joints. It is also reported that he is bedridden and unable to stand and walk on his own due to weight bearing because of hip joint problem. He moves with



the help of wheelchair and needs high support. It is also reported that he needs continuous medical treatment from some tertiary hospital and also needs a care taker who can look after his health properly. Therefore, keeping in view the miserable medical condition of the petitioner as mentioned above, this Court is of the considered opinion that the petitioner should be released from custody in order to enable him to take specialized medical treatment for his diseases. If released on bail, the petitioner would also be getting proper personal care and medical attention, which would definitely help him for his well being.

7. In view of the above, the present petition is allowed. The petitioner is directed to be released on regular bail, subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. However, it is made clear that the petitioner has been granted concession of regular bail only keeping in view his deteriorating medical condition and this order shall not be treated as a case precedent.
9. It is also made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.11.2024

Waseem Ansari

Whether speaking/reasoned

Whether reportable

(MANISHA BATRA)

JUDGE

Yes/No

Yes/No