

2024.PHHC:166116



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

SR. No.109

CRM-M-62047-2024

Date of decision:12.12.2024

Nitin Sharma

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.M.S. Saini, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 483 read with Section 528 of BNSS with a prayer to grant the concession of regular bail by extending his interim bail in FIR No.40 dated 14.05.2023 under Sections 22/29/61/85 of NDPS Act registered at Police Station Chabbewal, District Hoshiarpur in view of his medical condition.

2. Learned counsel for the petitioner contends that vide order dated 07.08.2023 (Anexure P-2), the petitioner was granted the concession interim regular bail till the FSL report was received. He was directed to submit an undertaking before the trial Court/Duty Magistrate along with his bail/surety bonds that he will surrender before the trial Court on receiving the FSL report. Thereafter, the FSL report has been received and it has been found that the quantity of contraband, which was recovered from the

petitioner, is commercial in nature. Consequently, the petitioner was

supposed to surrender before the trial Court. However, the petitioner is not maintaining good health and is suffering from coronary artery disease (CAD) since last eight months. Learned counsel submits that the petitioner may be granted the concession of interim bail on medical ground.

3. I have heard the learned counsel for the parties and perused the case file.

4. From a perusal of the record, it is apparent that 20000 intoxicant tablets along with Rs.10,000/- as drug money was recovered from the co-accused of the present petitioner. During the course of interrogation, the name of the petitioner was also disclosed as one of the accused in the present case. Later on, the petitioner was also arrested and 1500 tablets of Tramadol and 600 tablets of Alprazolam were recovered from him. However, earlier the FSL report was awaited and the trial was yet to formally commence, consequently keeping in view the law laid down Court in **Inderjeet Singh @ Laddi and others Vs. State of Punjab, 2014 (3) RCR (Crl.) 953**, the petitioner was ordered to be released on interim regular bail on execution of personal bonds/surety bonds till the FSL report was received. However, a condition was specifically imposed on the petitioner that he would file an undertaking before the trial Court/Duty Magistrate along with bail/surety bonds that he would surrender before the trial Court on receipt of FSL report. Now the FSL report has been received, but the petitioner has failed to surrender before the trial Court, as per the undertaking submitted by him at the time of grant of interim regular bail to him. The petitioner has annexed certain documents to show that he was suffering from coronary artery disease and was being treated for the last eight months. However, it is

apparent that he has already been discharged from the hospital on 20.11.2024 and is under treatment as an OPD patient. Even otherwise, the quantity of contraband recovered from the petitioner falls within the ambit of commercial quantity, thus, he is directed to immediately surrender before the trial Court, in view of the order dated 07.08.2023 passed by this Court.

5. Finding no merits, the present petition is hereby dismissed. The Investigating Officer of the present case is directed to take the petitioner in custody, immediately.

(N.S. SHEKHAWAT)
JUDGE

12.12.2024
mks

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO