



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

225

CRM-M-25353-2024

Date of decision: February 17th, 2025

Gurpreet alias Gopi alias Goltu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a third petition filed by the petitioner seeking the concession of regular bail in FIR No.19 dated 20.01.2023 registered under Sections 21(b), 29 of the NDPS Act, at Police Station STF, District S.A.S. Nagar.

2. Learned counsel for the petitioner has submitted that the petitioner was arrested on 20.01.2023 on suspicion and thereafter a recovery of 150 grams of heroin (non-commercial quantity) was made from the petitioner and the co-accused. Learned counsel has submitted that during the petitioner's incarceration, he was taken ill and diagnosed with tuberculosis. The petitioner then approached this Court for grant of interim bail for two months. Although the petitioner has surrendered back in the jail on expiry of the two months period of interim bail, however, the health condition of the petitioner continues to be unsatisfactory; even as per the reply of the State, the petitioner is running fever and other

symptoms of tuberculosis are present. Learned counsel submits that it would, therefore, not be conducive for the petitioner to continue in jail, more so when he had contracted tuberculosis during his stay in the jail itself. Learned counsel has further contended that even otherwise, there is no possibility of the trial concluding in the near future with 12 witnesses remaining to be examined.

3. Learned State counsel, while opposing the prayer and submissions made by counsel opposite, has not disputed the contentions made by the learned counsel for the petitioner with respect to the medical condition of the petitioner. It has also not been disputed that the petitioner was indeed extended the concession of interim bail and on expiry of interim bail had surrendered back in the jail on 24.11.2024. Learned State counsel, on further instructions from ASI Parminder Singh, has however submitted that the petitioner is involved in a number of other criminal cases including cases under the Excise Act, IPC as well as NDPS Act, however, in the cases under the NDPS Act against the petitioner, the recovery effected was small. The stage of trial has also not been disputed by the learned State counsel, on instructions.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The recovery allegedly effected from the petitioner has been classified as non-commercial under the NDPS Act. The possibility of the trial concluding in the near future looks remote with only four prosecution witnesses having been examined and 12 remaining to be examined.

6. In the facts and circumstances as enumerated hereinabove and keeping in view the medical condition of the petitioner, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 17th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No