

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

CRM-M-16224-2016 (O&M)

Date of decision: September 14, 2016.

Lakhbir Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Baljeet Singh Kathuria, Advocate for the petitioner.

Shri Shailesh Gupta, Additional Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Heard learned counsel for the rival parties.

In FIR No.42 dated 27.5.2015, registered under Section 22/61/85 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar, the petitioner is seeking regular bail.

Learned counsel for the petitioner submits that the petitioner is suffering from Hepatitis-C and though he is being treated in the government hospital, there is likelihood of further damage in view of the quality of food, air and water while in detention, particularly looking to the disease, namely, Hepatitis-C from which he is suffering.

Per contra, learned State Counsel opposed the application and argued that the State is taking care of the petitioner by sending him to PGI, Chandigarh also, apart from local hospital at Ludhiana and there is no need

to enlarge him on bail. He then submits that he was also found guilty in some more case for possession of three grams of heroin.

It is not in dispute that the marginal quantity of heroin to the commercial one was found. The petitioner was also convicted, as stated by learned Counsel for the State.

I have perused the affidavit filed by the Superintendent, Central Jail, Ludhiana as to the medical care and I find that on 2-3 occasions, the police guard did not reach the petitioner-patient on time.

Be that as it may, looking to the nature of the disease, namely, Hepatitis-C and the environment in which he has been residing, i.e., in the jail, I think the benefit of bail on medical grounds should be extended to the petitioner since the fact of his ailment is admitted by the prosecution in the affidavit in reply.

In that view of the matter, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the trial Judge. The learned trial Judge is entitled to put such conditions as he may deem fit and proper.

[A.B. Chaudhari]
Judge

September 14, 2016.
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No