

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-11331 of 2017 (O&M)
Date of Decision: 25.04.2017

Vinod Sharma @ Lucky

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Akashdeep Singh, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.53 dated 7.6.2016 under sections 21, 61, 85 of N.D.P.S Act, registered at Police Station, Bullowal, District Hoshiarpur.

Learned counsel for the parties have been heard.

As per prosecution version the alleged recovery effected from the petitioner is of 500 grams of heroin.

On the last date of hearing i.e. 07.4.2017 counsel for the petitioner made a statement that he would confine the scope of the instant petition only for grant of interim bail in the light of an acute eye ailment/visual disability of the petitioner is suffering from. Taking note of such submission a report from the Jail Doctor concerned had been sought by this Court.

During the course of resumed hearing, learned State counsel has filed a response by way of affidavit of the Deputy Superintendent, Central Jail, Hoshiarpur along with a report of the Medical Officer, Central Jail, Hoshiarpur appended at Annexure R-1. The reply is taken on record

and a complete copy has been furnished to learned counsel for the petitioner.

Against the backdrop of the limited prayer made by counsel and with the consent of counsel for the parties, the petition is taken up for disposal today itself.

The report of the Medical Officer appended at Annexure R-1 would clearly indicate that the petitioner has already lost vision in his right eye. In so far as the left is concerned the Jail Doctor has certified that vision is considerably reduced and is deteriorating and for which surgery would be required. The report further recites that the petitioner for his condition i.e. Glaucoma had been referred to P.G.I., Chandigarh on 12.04.2017 and upon examination the Eye Specialist at P.G.I., Chandigarh has referred surgery and has given the date for surgery as on 19.6.2017.

Counsel for the petitioner has impressed upon the Court that on account of the heavy rush at P.G.I, Chandigarh date of 19.6.2017 has been given for purposes of surgery. He adverts to the documents placed on record at Annexures P-4, P-6 and P-7 to demonstrate that on 17.8.2016 a Board of Doctors in the Civil Hospital, Hoshiarpur had concluded the vision in the right eye of the petitioner to be nil and vision in the left eye was 6/18 with the aid of glasses. Thereafter, on 12.9.2016 the petitioner having been examined by the concerned Eye Specialist at Govt. Medical College, Amritsar had noticed the vision in the left eye to have gone worse i.e. 6/36 with glasses. Thereafter, on 16.3.2017 the Eye Specialist, Civil Hospital, Hoshiarpur had noticed extreme deterioration in the left eye and the vision was found to be 6/60 with glasses.

In the light of such opinion and certification rendered by Govt. Doctors, this Court is satisfied that the petitioner needs urgent and immediate medical attention to save vision in his left eye. As per report of the doctors concerned petitioner has already lost vision in his right eye.

In view of the facts and circumstances noticed herein above, the prayer made by counsel for grant of interim bail for a period of 4 weeks, is accepted.

Without commenting on the merits of the case, petitioner is directed to be enlarged on interim bail for a period of 4 weeks subject to satisfaction of C.J.M./Duty Magistrate, Hoshiarpur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No