210.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3673-2018 (O&M)
Date of decision:05.12.2018.

SARABJIT SINGH @ SARBA ... Petitioner

Versus

STATE OF PUNJAB .... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J.*(Oral)*

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in FIR No.2 dated 06.01.2015 registered under Section 22 of NDPS Act at Police Station Sadar, Nabha, District Patiala.

While the aforesaid petition was pending, the petitioner moved an application i.e. CRM-25639-2018 seeking extension of bail granted by this Court vide order dated 08.05.2018 on the ground that he has to avail treatment for his serious ailment as he has been diagnosed with Liver Cirrhosis and chronic liver disease with Splenomegaly. The pleaded case was that the nature of disease is such that proper diet was required to be maintained and the treatment is not available inside the prison.

Medical status of the petitioner by way of affidavit of Ramandeep Singh Bhangu, P.P.S. Deputy Superintendent, New District Jail Nabha, dated 16.08.2018 has already been filed.

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Learned State counsel has drawn attention of this Court to the medical report of the Medical Officer, New District Jail Nabha, whereby final impression has been given that the patient has a chronic liver disease and portal hypertension with history of esophageal varices with upper gastrointestinal bleed, operated with endoscopic band ligation in the past.

Considering the medical status of the petitioner, this Court vide order dated 08.05.2018 has passed the following order:-

> "Dr. Harinder Singh, Medical Officer, New District Jail, Nabha is present alongwith medical record of the present petitioner. He states that the medical condition of the petitioner is such that he requires continuous hospitalization, though he has been sent to Rajindra Hospital, Patiala, but doctors there did not admit him and rather sent him back to the jail after check up.
>
> Learned counsel for the petitioner states that petitioner is getting treatment from BMC, Ludhiana and in case proper medical treatment is not provided to him, that may result in severe complications even leading to his death. The ailment from which the petitioner is suffering is stated to be Hepatitis B, which is a serious disease. Therefore, the request made for release of the petitioner on bail to enable him to get medical treatment is accepted and petitioner is ordered to be released on interim bail for a period of 3 months from today, subject to his furnishing personal and surety bonds to the satisfaction of CJM, Patiala.
>
> The petitioner would surrender at New District Jail, Nabha on completion of period of interim bail unless the interim bail is extended further considering his medical condition.
>
> To come up on 10.08.2018."

Accordingly, the petitioner is on interim bail.

At this stage, this Court is informed that all the prosecution witnesses have been examined in the case and the statement of the petitioner under Section 313 Cr.P.C. is required to be recorded.

In view of advance stage of trial, present petition is disposed of at this stage. However, considering the medical status of the petitioner, the

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interim order shall continue to operate till the conclusion of the trial.

Accordingly, the application i.e. CRM-25639-2018 also stands disposed of.

It is made clear that on the date of pronouncement of the judgment, the petitioner shall remain present before the trial Court and he shall not be given any additional mileage of the order passed by this court, while deciding the case. Petitioner shall not cause any delay in the conclusion of trial.

(HARI PAL VERMA)
JUDGE

05.12.2018
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Whether speaking/reasoned Yes/No.
Whether Reportable: Yes/No.

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