

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

**Criminal Misc. No. M-38715 of 2018 (O&M)
Date of decision: 19.11.2018**

Gurwinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Ms. Shweta Nahata, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

Criminal Misc. No.39935 of 2018

This application has been moved for placing on record
Annexure P-6.

Application is allowed and Annexure P-6 is taken on record.

Criminal Misc. No. M-38715 of 2018

Earlier petition filed by the petitioner under Section 439
Cr.P.C. for grant of regular bail in case FIR No.0065 dated 19.03.2018
registered under Section 18 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 at Police Station City Ferozepur, District Ferozepur,
was dismissed as withdrawn with liberty to file fresh petition on medical
grounds vide order dated 30.08.2018. Thereafter, the present petition was
filed for grant of interim bail on medical grounds.

Learned senior counsel for the petitioner submits that the health
of the petitioner is being deteriorated day-by-day and regular medical
treatment is required and medical documents in this regard have also been
placed on record. Learned senior counsel further submits that the petitioner

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is ready to abide by all terms and conditions to be imposed by this Court or by the trial Court and also ready to hand over his passport before the trial Court. The petitioner is in custody for the last approximately eight months and no other case under NDPS Act is pending against him.

Learned State counsel has not disputed the custody period as well as the medical condition of the petitioner.

On perusal of documents, which are on record, it is apparent that the petitioner underwent CABG on 18.01.2017. Steel wires have been put to unite the sternum. Earlier he was advised rest for three months. A certificate has also been issued by the Doctor of Civil Hospital, Ferozepur wherein it has been mentioned that the petitioner has undergone CABG and now he is under treatment. The petitioner needs regular monitoring and specialist management. It has also been mentioned that these specialties are not available in Central Jail and admission of the petitioner is required. Said document is annexed as Annexure P-5 (colly).

Keeping in view the opinion given by the Doctor of the Civil Hospital, Ferozepur and the submissions made by learned counsel for the petitioner, the present petition is allowed and the petitioner (Gurwinder Singh) is directed to be released on interim bail for a period of six months from the date of receipt of certified copy of this order to the satisfaction of the trial Court subject to deposit of his passport before the trial Court during this period.

19.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes