

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-10300-2019 (O & M)

Date of Decision: 24.05.2019

ASHOK KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Meena Bansal, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 32, dated 05.02.2015, under Section 21 of the NDPS Act, registered at Police Station GRP Ludhiana, District Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner are that 1300 grams of heroin was recovered from him. The petitioner is not involved in any other case. The petitioner is in custody for over 4 years. He also contends that the petitioner is suffering from critical illness and is dependent on tracheostomy tube for breathing. The petitioner is being given treatment as prescribed by the doctor of the Post Graduate Institute (PGI), Chandigarh and is being monitored at Jail Hospital, Ludhiana.

Learned State counsel has filed short affidavit of Shamsheer Singh Boparai, PPS, Superintendent, Central Jail Ludhiana, which is taken on record.

The Copy of the report of the Medical Board in this regard has been attached in

the affidavit of the Superintendent Jail, which indicates that the condition of the petitioner is critically ill. The observations of the Medical Board are as under:-

“1. It is found that patient is dependent on tracheostomy tube for breathing. Patient is not tolerating decannulation as as there is bilateral vocal cord palsy and sub-glottis stenosis. Patient requires definitive treatment for his disease in the form of removal of stenotic segment and reconstruction with or without laser cordectomy under General Anesthesia. The expenditure involved is approximately Rs.1,00,000/- (one lac).

2. He may require multiple surgical procedure and admission in the hospital for the definitive surgical procedure. In the meantime patient may be provided with tracheostomy tube with speaking valve which does not require frequent tube cleaning and daily change and it will improve patient's quality of life.

3. Currently under Psychiatry, patient is suffering from recurrent depressive disorder with current episode, severe depressive episode without psychotic symptoms. If possible there is need of regular monitoring of the patient's condition as well as the medication compliance by the jail Medical Officer.

FINAL OPINION: Patient has to come for his treatment and investigation for the planning of definitive surgical treatment and also requires clearance from Psychiatry

department for the definitive surgery. Authorities are requested to arrange money for further treatment of the patient.”

Heard.

In view of the submissions of learned counsel for the petitioner especially the medical condition of the petitioner, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

May 24, 2019

A.Kaundal

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