

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

CRM-M No. 52781 of 2018

Date of decision : 14.01.2019

Varinder Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Sekhon, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail to the petitioner in case FIR No. 199 dated 25.08.2018 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'NDPS Act'), registered at Police Station – Bhawanigarh, Distt. Sangrur, during pendency of the trial.

Learned counsel for the petitioner submits that son of the petitioner who is 03 years of age is suffering from serious ailment. Different tests have been advised to be conducted from multi-speciality hospital for check up. Learned counsel also submits that there is no other male member in his family to look after and take the child to the hospital for check up. Moreover, the petitioner is in custody since 25.08.2018. He is not involved in any other case under NDPS Act. He is ready to abide by any terms and

conditions to be imposed by the Investigating Officer or by this Court.

Learned State counsel has also verified the medical condition of the son of the petitioner. A detailed report has been given by the doctor namely B. M. Dhir, S.M.O. (Retd.), Dhir Children & General Hospital, Nabha. It has also been verified that no other male member is there in the family of the petitioner.

The relevant portion of the verification of the prescription slip dated 05.11.2018 is reproduced as under:-

“This is to certify that the prescription was issued by me after examine the child Sahib Singh son of Varinder Singh of village Bimbri, District Sangrur. The treatment in Neonatal period was carried out in Deep Hospital, Ludhiana, where, he was examined many times on different dates and had undergone tests. At the time of examination on 5.11.2018, he was having multiple problems and diagnosed Bronchopneumonia adenoids and anemia for which he was treated and was referred to a multi-specialty Hospital for detailed check up, investigation and management as written in my prescription.”

Keeping in view the submissions made by learned counsel for the petitioner as well as learned State counsel and also by considering the verification report, age of the child, which is only three years and he is suffering from Anaemia, heart problem; his treatment is going on and he has been advised for check up in detail, the request of the petitioner is accepted and accordingly, he is directed to be released on interim bail for a period of two months immediately after getting the certified copy of this order, subject to furnishing bail/surety bonds to the satisfaction of the trial

Court/Duty Magistrate. He is directed to surrender before the jail authorities after expiry of two months.

Disposed of accordingly.

14.01.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No