

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

CRM-M-11955 of 2020(O&M)  
Date of Decision: April 21, 2020

Varun Bhogal

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. J.S. Lalli, Advocate  
for the petitioner.

Mr. Deepak Sabharwal, Addl. AG Haryana.

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**JAISHREE THAKUR, J. (Oral)**

Hearing has been done through video conferencing.

This is a petition that has been filed by the petitioner under Section 439 Cr.P.C. for grant of interim bail in FIR No.433 dated 27.04.2019, registered under Section 21 of NDPS Act at Police Station Chandnibagh, District Panipat, Haryana on medical ground that he is a chronic patient of Pancreatitis and on account of pandemic of Covid-19, he would be at high risk in the jail at Panipat.

Mr. Lalli, learned counsel appearing on behalf of the petitioner would argue that the petitioner herein is a chronic patient of Pancreatitis and previously has been operated in Apollo Hospital, Ludhiana wherein tail of pancreas was removed and later on certain procedures have been performed

upon him. It is submitted that now the petitioner has developed pain in his abdomen and umbilical region and there has been oily discharge in stool, therefore, on account of his illness, the petitioner would be at high risk due to present condition of Covid-19 pandemic crisis. In support of his arguments, counsel for the petitioner relies upon the medical certificate issued by the Medical Officer, District Prison, Panipat, dated 13.04.2020 (Annexure P-2).

Per contra, Mr. Sabharwal, learned Addl. AG Haryana appearing on behalf of the respondent-State would submit that this is the third petition filed by the petitioner and his earlier two petitions were dismissed on the ground that 722 grams of Heroin was recovered from the possession of the petitioner, which itself does not warrant any relaxation to be accorded to the petitioner. He further contends that the petitioner, in fact, is safer environment in the jail hospital where he is currently lodged than he would be if released on interim bail.

I have heard learned counsel for the petitioner as well as for the respondent-State and find that the petitioner is lodged in jail hospital, which is 30 bedded hospital and at the present moment, petitioner is one of the 07 inmates who are in the hospital and none of the patients there is Covid-19 patient. The petitioner, if released, would go to his ancestral home which is in Ludhiana, Punjab, which city is also suffering from large number of patients of Covid-19. The petitioner is in personalized care which might not be available at Ludhiana, which itself is under curfew and OPDs are not working in the hospitals. The petitioner at the present moment is getting treatment under the supervision of Medical Officer and social distancing

and other precautions of Covid-19 are strictly being followed in the hospital, as per the report of the Medical Officer, District Jail, Panipat dated 20.04.2020. The said report also mentions that the general condition of petitioner is calm and vitals are stable. It is also worthwhile to notice that the petitioner is being given medical treatment and proper diet and his condition is stable. In case, he is released on interim bail, he might not get the treatment at Ludhiana, which is under curfew and has a large number of Covid-19 patients. Therefore, under these circumstances, this court is not inclined to allow interim bail at the present moment keeping in view the aforesaid circumstances.

However, while passing this order, liberty is given to the petitioner to approach this court should there be any drastic change in the circumstances.

The petition stands disposed of accordingly with a direction that all necessary medical care be given to the petitioner.

**April 21, 2020**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No