

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

CRM-M-34883-2019 (O&M)

Date of decision: 11.11.2020

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashok Saini, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 21 dated 15.05.2018, registered under Section 22/31/61/85 of the Narcotic Drugs & Psychotropic Substances Act (*for short 'NDPS Act'*) at Police Station STF, Phase-4, Mohali.

Status report, by way of affidavit of DSP, STF, Ludhiana, and Medical Status, by way affidavit of Deputy Superintendent, New District Jail, Nabha, along with medical report, have been filed in Court. The same are taken on record.

Learned State counsel has raised an objection that petitioner stands convicted in FIR No. 163 dated 10.12.2004 for a period of 03 years, whereas this fact is not disclosed in para 28 of the petition, wherein it is stated that petitioner is not a previous convict.

Learned counsel for the petitioner prays for interim bail to

petitioner on his deteriorating medical conditions.

Learned counsel for the petitioner submits that as per the Medical Status, filed by Deputy Superintendent, New District Jail, Nabha, along with a medical report of the Medical Officer, it is reported as under:

“This is to inform you regarding that the patient Jarnail Singh s/o Bant Singh is a known case of Hypertension, Diabetes mellitus type-2, Cholecystitis and fatty liver. He was sent to Rajindra Hospital Patiala for requesting the operative procedure of 'Cholecystectomy'. He was advised several investigations (CBC, LFT, RBS, USGWA/A, BU, SERUM CREATNINE, HbsAG, HCB, HIV), reports are waiting and was advised that he will be operated until his vitals, random blood sugar levels are stable. Till then he has been advised medicine and follow up after 13 days.”

Learned counsel for the petitioner further submits that petitioner is aged about 57 years and is in judicial custody for the last about 02 years and 06 months and at present, he is not facing trial in any other case except the case referred to above, wherein he was convicted.

Learned counsel further submits that petitioner may be granted concession of interim bail as he wants treatment from a private hospital considering COVID-19 situation in Govt. hospitals.

Learned State counsel, however, submits that since there are serious allegations against the petitioner and the case involves recovery of commercial quantity, this Court may impose stringent conditions if any interim bail is granted to him.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the long

custody of the petitioner as well as the fact that he is facing serious health issues and needs to be operated for ' Cholecystectomy', the present petition is disposed of. The petitioner is ordered to be released on interim bail till 11.03.2021 on the following conditions that:

1. he will furnish bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned;
2. he will also deposit a sum of Rs. 2,00,000/- (Rupees Two Lakh) with the trial Court/Duty Magistrate as security at the time of furnishing bail/surety bonds along with an affidavit of his son that in case the petitioner fails to surrender before the jail authorities after availing the concession of interim bail, the security amount will be liable to be forfeited in favour of the respondent-State.
3. he will surrender before the jail authorities on 12.03.2021 by 5:00 PM.

11.11.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No