

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 42585 of 2020 (O&M)

Date of decision : 18.12.2020

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Gurnam Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner - Gurnam Singh, aged about 55 years son of Bawa Singh, resident of village Kandial, Tehsil Batala, District Gurdaspur, an accused in FIR No. 128 dated 22.6.2020, for offence under Section 61 of Punjab Excise Act, 1914, registered at Police Station Ghuman, District Batala, has brought the second petition under Section 438 Cr.P.C. for grant of interim bail to him, for the reason that he is suffering from chronic kidney disease and peptic ulcer and is regularly getting the treatment, therefore is not in a

position to surrender before the police.

Briefly stated, facts of the case, as per the prosecution version are that, the police of Police Station Ghuman, District Gurdaspur, had received a secret information that petitioner -accused Gurnam Singh son of Bawa Singh, was habitual of indulging in illicit distillation , as such a raid was conducted at his residential house. The accused managed to slip away, however, 100 kgs of lahan was recovered from his house. Formal FIR was registered.

During the course of investigation, apprehending his arrest in this case, accused -petitioner Gurnam Singh, had approached the Court of Sessions at Gurdaspur, seeking pre-arrest bail. However, his such application, which was assigned to Additional Sessions Judge, Gurdaspur, was however, dismissed vide order dated 3.6.2020, with the observation that he had already been convicted in case bearing FIR No. 28 of 2017 under Section 61 of Punjab Excise Act, Police Station Ghuman and he was a habitual offender.

Feeling aggrieved, he had approached this Court also, craving for grant of similar relief, by way of filing CRM-M-18013-2020. His such petition was dismissed on 9.7.2020. Now he has again knocked at the door of this Court, by way of filing the present petition, for grant of interim bail, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record and I find that the petition is doomed for failure.

The second petition for pre-arrest bail is not maintainable under law. By way of filing the present petition, the petitioner seeks interim bail on medical grounds being a patient of chronic kidney disease and peptic ulcer. The supporting documents attached by him are from a private hospital. It has been noticed that such type of documents can easily be managed and manipulated. Even otherwise, there is no ground to grant any interim pre-arrest bail to the petitioner. If the petitioner surrenders and is found to be sick, then it is duty of Superintendent of Local Police/Superintendent of Jail, where he is lodged to provide proper medical care, attention and treatment to him and trained medical staff alongwith qualified doctors are posted in various jails in Punjab. Furthermore, in case of any complication, such type of prisoners/accused in custody can be taken to local Civil Hospital also. It seems that the petitioner has invented this ground so as to make out a case for grant of interim anticipatory bail to him. I do not find any reason to allow the petition. The same stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

18.12.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No