

CRM-14540-2021 in/and
CRM-M-7840-2021
Date of Decision: 28.05.2021

DEEPAK DHAWAN

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due
to COVID-19 pandemic.

CRM-14540-2021

Through instant application, the applicant/petitioner is seeking
early hearing of the matter on the score that his daughter aged about 18
years is suffering from serious heart ailment and surgery is to be performed
upon her.

Learned State counsel, in all his fairness, has stated that he has
no objection in the event the matter is preponed.

Keeping in view the above, the present application is allowed
and main case is taken up on Board.

CRM-M-7840-2021

Status report by way of affidavit of Sukhwinder Singh, Deputy
Superintendent of Police, Circle Amloh, District Fatehgarh Sahib has been
placed on record.

Through instant petition, the petitioner is seeking bail in case bearing FIR No. 165 dated 08.08.2019 under Section 22 of the NDPS Act registered at Police Station Mandi Gobindgarh, Tehsil and District Fatehgarh Sahib, Punjab.

The aforesaid FIR has been registered in pursuance of the recovery of 5000 tablets of Clovidol-100 SR.

At the very outset, learned counsel for the petitioner has stated that he restricts his prayer only for grant of interim bail and does not press the claim of the petitioner for grant of regular bail and the present petition may be construed only for grant of interim bail.

It has been further stated by the learned counsel for the petitioner that his daughter is suffering from serious heart ailment and has already undergone four surgeries and the 5th surgery is to be performed upon her. Furthermore, as per the medical report dated 21.01.2021 (Annexure P-5), the estimated remaining longevity of his daughter is about 09 months. Besides, as per the status report, the daughter of the petitioner is suffering from heart disease since childhood and is getting treatment from PGI, Chandigarh. Four surgeries have already been performed upon her in PGI, Chandigarh and she is required to be operated upon fifth time. Learned counsel for the petitioner further submit that the petitioner is the only adult male family member. The wife of the petitioner had disclosed to the concerned police official that the daughter will be admitted in the hospital after her husband comes out of the jail.

Learned State counsel, on instructions from ASI Mohan Singh, has not disputed the aforesaid factual aspect.

Keeping in view the fact that the daughter of the petitioner, who is aged about 18 years, is suffering from serious heart ailment and surgery is to be performed upon her, the petitioner is only adult male member in the family, the daughter of the petitioner is to be admitted in PGI, Chandigarh for surgery and in such circumstances, the physical presence of the petitioner will definitely be required for some period of time at the time of surgery and post operative care of the daughter of the petitioner. Furthermore, the trial of the case is not progressing on account of restricted hearing of the Courts due to COVID-19 Pandemic.

Accordingly, without making any comment on the merits of the case, it is deemed fit and appropriate to extend the concession of interim bail to the petitioner till 30.09.2021 on his furnishing bail bonds to the satisfaction of concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

It is however made clear that the interim bail granted to the petitioner will not provide any leverage to seek exemption from appearance in the trial Court and will continue to appear before the trial Court on each and every date of hearing. In the event for any compelling circumstances, the petitioner is unable to appear before the trial Court, he will seek exemption from personal appearance which aspect may be considered by the trial Court in the facts and circumstances of the case.

Disposed of.

28.05.2021
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(VIVEK PURI)
JUDGE

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