

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

203

CRM-M No.18722 of 2021
Date of decision:11.05.2021

Pankaj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anil Kumar Malik, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the second petition filed by the petitioner seeking grant of regular bail or in the alternative, interim bail in case FIR No.184, dated 01.11.2018 lodged for offence under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short - “the NDPS Act”) at Police Station Division No.5 Jalandhar, District Jalandhar.

As per the version of the prosecution, the petitioner was found to be in possession of 1700 loose intoxicating tablets of Tramadol Hydrochloride, with an average weight of 600 mg. each, totaling 1020 grams of contraband.

Counsel for the petitioner has argued that the petitioner, who was arrested on 03.11.2019, is behind bars for the last more than 2 ½ years and the trial is not progressing because of the resurgence of the

contagion. He urges that the parents of the petitioner, who are of a very advanced age, are suffering from serious health problems. Making a reference to the medical report, Annexure P-4, he submits that the mother of the petitioner has been diagnosed with cancer and is probably at the last stage of her life. He restricts his prayer to grant of interim bail for a period of one day to enable the petitioner to meet his parents.

Custody certificate dated 10.05.2021 has been filed by the State, which is taken on record. Opposing the petition, learned State counsel upon instructions from ASI Sudesh Kumar submits that the previous petitions seeking bail i.e. CRM-M-41973-2020 and CRM-M-48235-2019 were dismissed by this Court on 04.03.2020 and the ground for seeking interim bail in one of the petitions, was the ill health of his father. State counsel urges that by way of present petition, the petitioner is seeking review of the previous order, which is not permissible in criminal law.

I have considered the respective submissions of the parties.

Dr. Sakshi Rana, Consultant Radiation Oncologist, Capitol Hospital, Jalandhar, in her report, Annexure P-4, opined as under:-

“ D: Ca Maxillary sinus

Patient Proxy

FNAC – Malignant cells present

MRI - Expansile lesion in left maxillary sinus causing expansion of maxillary sinus c destruction of inferior orbital wall and lateral wall of maxillary sinus and agygomatic process

Hyperintensity in -temporalise & masticator

Adv: Review with patient

Sd/-

Name: Dr. Sakshi Rana

Designation: Consultant Radiation Oncologist

Qualification: MD Radiotherapy

Registration No.80523”

A perusal of the above report as well as the photograph of the mother of the petitioner, Annexure P-3, reflects that her health condition is precarious and the prayer of the petitioner to meet her, deserves to be accepted.

Considering the above report and the fact that the petitioner has restricted his prayer to grant of interim bail for a period of one day, it is ordered that the petitioner, namely, Pankaj son of Ashok Kumar, be taken to meet his parents, who are stated to be residing at Jalandhar on 21.05.2021 at 9.00 a.m. under proper police custody as per Police rules and he brought back to the Central Jail, Kapurthala on the same day by 6.00 p.m. Superintendent Central Jail, Kapurthala is directed to make necessary arrangements in this regard.

Petition stands disposed of.

11.05.2021

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No