

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22621-2020 (O&M)
Date of Decision: January 11, 2021

Rizwan

... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Sudesh Kumar Khurcha, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JAISHREE THAKUR, J.(Oral)

This is a petition that has been filed under Section 482 read with Section 439 Cr. P.C. for grant of interim bail to the petitioner in FIR No. 125 dated 27.11.2019 under Section 22 of NDPS Act, 1985 registered at Police Station STF, District STF Wing, Punjab.

The petitioner herein has filed the instant petition seeking grant of interim bail to the petitioner on the ground that his wife is facing severe pain due to calculi in the kidney and she requires an immediate surgery as per the advice of the doctor. In support of his plea, the petitioner herein was asked to furnish the details as to when the surgery was to take place. Learned counsel placed on record details of date of the surgery as given by a private clinic namely Tewari Clinic as it was stated that no government hospitals were entertaining any surgery due to pandemic COVID-19

situation.

Per contra, learned counsel for the respondent-State opposes the grant of interim bail to the petitioner on the ground that his bail application already stood dismissed by an order dated 17.01.2020.

Pursuant to the asking of the Court as to the date of surgery the petitioner placed on record a photocopy of the record given by the doctor and thereafter learned State counsel sought a short adjournment to have the said details verified.

The details of the clinic were verified by ASI Savtantarpal Singh. As per the status report filed by way of affidavit of Sukhamrit Singh, PPS, Deputy Superintendent of Police, STF Patiala, it is stated that ASI Savtantarpal Singh visited the Tewari Clinic on 31.10.2020 and Dr. Rajesh Tewari stated that he is a Child Specialist and Physician and does not treat the patients for kidney stone while stating that the date fixed for the conduct of surgery for petitioner's wife's ailment was not given by him. Learned counsel for the respondent-State submits that the petitioner had submitted a forged certificate of Tewari Clinic, wherein it has been allegedly issued by Dr. Rajesh Tewari stating that she had been advised/recommended surgery for the said ailment on 22.10.2020 for removal of kidney stone. The statement of Dr. Rajesh Tewari is available on the record besides the affidavit furnished by the State.

I have heard learned counsel for the parties and in view of the fact that the petitioner has tried to mislead the Court by placing reliance on a certificate purportedly issued by Dr. Rajesh Tewari, a Child Specialist and

Physician, who has clearly stated that he does not perform any surgery pertaining to kidney stones, the petition stands dismissed.

Other miscellaneous applications, if any, pending on date are disposed of accordingly.

January 11, 2021

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No