

108 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-42505-2021

Date of Decision: 01.11.2021

AMAN GARG @ BABAL

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Deepanshu Mehta, Advocate for petitioner
Ms.Gunkirat Kaur, AAG Punjab

Deepak Sibal, J. (Oral)

Affidavit filed on behalf of the State in terms of the order of this Court dated 11.10.2021 is taken on record.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks interim regular bail in FIR No.202 dated 12.09.2021 under Sections 22 (c) and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at police station City Kotkapura, District Faridkot for getting himself treated for complete rectal prolapse.

The petitioner is being prosecuted for having been found in illegal possession of 27000 tablets containing tramadole hydrochloride.

Learned counsel for the petitioner while drawing attention of this Court to medical evidence submits that the petitioner is a known case of hypertension and Diabetes Mellitus with old history of total hip replacement with rectal prolapse and mucosal ulceration and for treatment of complete rectal prolapse the petitioner has been advised surgery.

On being put to notice, the State has filed the affidavit in which

the above medical state of the petitioner is acknowledged. However, learned State counsel submits that the petitioner is a habitual offender under the NDPS Act and in the present case he was found to be in possession of as many as 27000 tablets containing tramadole hydrochloride. Therefore, the petitioner be permitted treatment but only under police custody.

On one hand it is admitted position that the petitioner is a known case of hypertension and Diabetes Mellitus with old history of total hip replacement with rectal prolapse and mucosal ulceration and that he needs surgery for treatment of complete rectal prolapse while on the other hand the petitioner faces two cases under the NDPS Act with accusation in the present case being of the petitioner having been found in illegal possession of 27000 tablets containing tramadole hydrochloride with the present case at the investigation stage.

After considering the above, the State is directed to take the petitioner in police custody to PHC Dhollewal, district Ludhiana for surgery on the date and time to be verified from the concerned surgeon and then bring him back to the Jail only after such doctor certifies that the petitioner is fit enough to be discharged. During the time the petitioner remains in the hospital, he shall remain in custody.

CRM stands disposed of.

01.11.2021
gk

(Deepak Sibal)
Judge

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