

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41973 of 2020
Date of decision:04.03.2021

Pankaj

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. H.S.Sitta, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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

Instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking grant of interim bail for six weeks in FIR No.184 dated 01.11.2018 registered under Sections 22 and 29 of [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for short “NDPS Act”) at Police Station Division No.5, Jalandhar, District Jalandhar.

Counsel for the petitioner has argued that the parents of the petitioner are of a very advanced age and are not in a position to take care of themselves. He has made reference to the photographs appended with the petition as Annexure P-1. He submits that besides the petitioner, there is no other member in the family to look after them. Still further, he submits that father of the petitioner is almost blind and has been advised eye surgery, vide Annexure P-2.

State counsel has opposed the prayer and argued that the petitioner has been apprehended and found to be in possession of 1700 intoxicating capsules containing 1020 grams Tramadol Hydrochloride. In view of the heavy quantity of contraband recovered from him, State counsel submits that the petitioner is not entitled to the concession of interim bail. Still further, he has instructions to state that the trial is at an advanced stage. He has filed the custody certificate 03.03.2021 which is taken on record.

I have considered the rival submissions of the parties.

By order dated 16.12.2020, this Court had directed the State to verify the photographs (Annexure P-1) and medical reports (Annexure P-2). In response, the State has filed the status report by way of an affidavit dated 25.01.2021 of Assistant Commissioner of Police, (West) Jalandhar appending therewith the statements of the parents of the petitioner and doctor as Annexures R-1 to R-3. The statement of the doctor (Annexure R-3) deserves to be noticed and is reproduced as under:-

“Statement of Doctor Tejinder Nirmal Singh Thind Eye Hospital Mall Road Model Town Jalandhar bearing mobile No.8872070006.

Stated that I was posted as Eye Specialist at Thind Eye Hospital. On 03.12.2020 Ashok Kumar came to our hospital for check up of his eyes. I checked his eyes. Ashok Kumar is having Cataract on his right eye and I had advised him for eye operation. If Ashok Kumar does not operate his eyes then he can lose his eye sight and after that there might be chances of

coming black cataract from his eyes. The registered number of eye slip of Ashok Kumar is 642337 which was issued to him from our hospital. Statement recorded to you, heard and the same is correct.

*Sd/-
Dr. Tejinder Nirmal Singh
06.01.2021”*

Vide statements, Annexures R-1 and R-2, the parents of the petitioner have stated that they have four children and besides the petitioner, they have another son, who is married, though he is residing at different place.

From the above, it is clear that parents of the petitioner have children to take their care and to attend their medical needs. Moreover, as per the medical opinion, father of the petitioner has been advised cataract surgery which is a minor operation and does not even require hospitalization.

Considering the given circumstances, no ground for grant of interim bail is made out. The petition is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 04, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>