

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-44360-2021 in/&
CRM-M-48589-2021
Date of Decision : 23.12.2021

Jaspal Singh @ Baalu
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioner(s).
Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA, J. (Oral.

FIR No.	Dated	Police Station	Sections
179	16.09.2021	Nihal Singh Wala, District Moga	22 NDPS Act

CRM-M-48589-2021:

Vide the instant petition, petitioner seeks regular bail under Section 439 CrPC for the aforesaid offences. However, during the pendency of this bail petition, the petitioner has filed a Miscellaneous Application i.e. CRM-44360-2021, in which he seeks interim bail on medical grounds.

At this stage, learned counsel for the petitioner seeks withdrawal of the main petition with liberty to file a fresh one and has pressed the application for interim bail, on medical grounds, only.

Accordingly, the main petition is dismissed as withdrawn with liberty aforesaid.

CRM-44360-2021:

Grounds no.2 to 4 of the application read as follows:-

“2. That the petitioner is suffering from high diabetes and is in very critical condition. Yesterday, he fell unconscious due to diabetes and doctors have given him electric shock to make him conscious.

3. That due to improper treatment in the custody, his health condition will become more critical and for the proper treatment he has to take proper treatment from the best hospital.

4. That the family members of the petitioner are also ready to bear all the expenses of the treatment if the petitioner shifted to some good hospital for his treatment.”

State has filed medical status report by way of affidavit of Kulvir Singh, PPS, Deputy Superintendent), Central Jail, Faridkot dated 22.12.2021, relevant paragraphs No.4 whereof reads as under:-

“4. That as per the medical report of the petitioner mentioned above, on duty Jail Medical Officer on 22.12.2021, had submitted that the petitioner is a known case of type-II Diabetes Mellitus with DKA (recovered) with diabetic foot ulcer, past history of epilepsy disorder, IHD with LVEF 46%-48%. The petitioner presented to Jail Hospital, Faridkot in emergency on 05.10.2021 with chief complaint of generalized weakness with palpitation and high RBS. His treatment was started and patient shifted to IPD on 06.10.2021 and treatment was continued. The petitioner was shifted to chronic patient ward on 03.11.2021 and was advised to follow-up on OPD basis. The petitioner again presented to Jail Hospital, Faridkot in emergency on 07.12.2021 with chief complaint of generalized weakness, drowsiness, high RBS with falling SPO2. Petitioner was given initial treatment to stabilize and was referred to Civil Hospital, Faridkot on emergency basis on

07.12.2021 from where he was referred to GGSMCH, Faridkot. Petitioner was irritable, disoriented. ECG showed ventricular Tachycardia. DC Shock was delivered after which petitioner became hemodynamically stable. 2D echo was done which showed LVEF 46%-48%. Petitioner was discharged from GSMCH, Faridkot on 16.12.2021 and was sent to Jail Hospital, Faridkot on 16.12.2021. The petitioner has chief complaint of generalized weakness with palpitation. Petitioner has high RBS despite insulin administration. Petitioner is kept under observation in IPD Jail hospital, Faridkot and is under treatment as prescribed by Medicine Specialist of GGSMCH, Faridkot and is advised to follow-up in Medicine OPD on coming Saturday.”

Thus, given the health condition of the petitioner, it is appropriate that the petitioner takes treatment from a hospital of his choice, subject to the condition that he shall not misuse his liberty and shall refrain from indulging in any criminal activity including repeating the aforesaid offences.

The petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. One Lakh (INR 1,00,000/-), with two sureties of the like amount each, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/trial Court.

The petitioner shall, within one day of release from prison, procure a smartphone, and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned before. The petitioner shall keep the phone location/GPS always on the “ON” mode. Whenever the Investigating officer asks to share the location, then the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, calls nor format the phone without permission of the concerned SHO/I.O.

The petitioner shall surrender in prison from where he was released, on or before 31-01-2022, by 11-00 a.m.

It is clarified that in case the petitioner does not join the prison well on time, then his non-joining shall be considered as defiance of the order of this Court and it shall be a factor to consider while taking up his future bail application in this case or in any other case, if any.

Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

In the facts and circumstances peculiar to this case, the petition is allowed in the terms mentioned above.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

The application is allowed, accordingly.

December 23, 2021
AK

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No