

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-9497-2022

Date of Decision : **March 16, 2022**

VIKRAM SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Arun Gupta, Advocate for
Dr. Kanupriya Grewal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of interim bail to the petitioner in pending trial in case FIR No.4 dated 3.1.2021 under Sections 22-C, 61, 85 NDPS Act, registered at Police Station Sadar, Dabwali, District Sirsa.

The learned counsel for the petitioner has submitted that the wife of the petitioner is suffering from Thyroid Module/Thyroid Profile and the doctors have recommended her surgery. He has also attached the medical record (Annexure P-2) in this regard.

This Court on 7.3.2022 issued notice of motion in the present case and on that date the learned State counsel had sought some time to seek instructions and to verify from the hospital i.e. RBDK, Chiktisayala, Jhunjhunu, Rajasthan regarding the medical condition of the wife of the petitioner and also as to what would be the time framework for undergoing the surgery, if at all required.

Status report by way of affidavit has been filed by the DSP, Dabwali, District Sirsa in this regard. In the affidavit, it has been stated that regarding the medical surgery vide Annexure P-2 dated 27.1.2022 shown to be issued by RBDK Hospital, Jhunjhunu has advised

“Hemithyroidectomy Right GA” and as per the medical terms a hemithyroidectomy is the removal of half of the thyroid gland and this procedure also referred to as a thyroid lobectomy or partial thyroidectomy is performed to remove symptomatic or cancerous nodules but as per the certificate, no emergent surgery was advised.

The learned counsel for the petitioner has submitted that as per the affidavit filed by the State and as per the report, it is clear that his wife requires surgery and so far as the fact that no emergent surgery is required the same does not mean that the wife of the petitioner does not require any surgery and rather delaying of the surgery would cause further deterioration. He further submitted that it is a case where the petitioner has clean antecedents and is not involved in any other case and the name of the petitioner was nominated on the basis of a second disclosure statement and the main accused in the present case is Neeraj who made a disclosure statement and on the basis of which the name of one Jai Pal Singh was nominated and thereafter on the basis of the disclosure statement made by Jai Pal Singh, the name of the petitioner was nominated and so far as aforesaid Neeraj is concerned, who is the main accused in the present case, has already been enlarged on bail although by way of a default bail. He submitted that considering the antecedents of the petitioner and the fact that he has been nominated on the basis of second disclosure statement and the fact that the wife of the petitioner needs surgery for removal of half of the thyroid gland, he may be considered for the grant of interim bail.

On the other hand, the learned State counsel has submitted that as per the affidavit filed by the State although the wife of the petitioner needs surgery but there is no emergent surgery.

I have heard the learned counsels for the parties.

As per the affidavit filed by the State after the verification of the medical condition of the wife of the petitioner, the wife of the petitioner requires surgery. The mere fact that there may not be emergent surgery but the fact remains that the delay in the surgery may further

cause complication to the patient. Apart from the same, a perusal of Annexure P-2 which has been verified by the police would show that the diagnosis has been stated to be Hemithyroidectomy Right GA and as per the affidavit filed by the State medical terms of a hemithyroidectomy is to remove the half of the thyroid gland. Therefore, this Court is of the considered opinion that the petitioner is entitled for the grant of interim bail for the purpose of getting the surgery done on his wife.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on interim bail for a period of two months on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate. The date and time of release or surrender shall be fixed by the learned trial Court.

March 16, 2022**(JASGURPREET SINGH PURI)**

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JUDGE

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