

219-3

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

**CRM-M No. 28664 of 2021 (O&M)
Decided on: 30.03.2022**

Gurinderpal Singh @ Billa

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gaurav Chopra, Sr. Advocate
with Mr. Kanwar Goyal, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for setting-aside the order dated 12.07.2021 (Annexure P5) passed by the Additional Sessions Judge, Amritsar in FIR No.66 dated 19.07.2019 registered under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station STF, District S.A.S Nagar, Mohali and for extension of interim bail granted to the petitioner.

The operative part of the order dated 22.07.2021, vide which interim bail has been extended to the petitioner, is reproduced as under:-

“...It is considered appropriate to implead this court (on the administrative side) as a respondent in the

petition, in view of what has been relied upon by counsel for the petitioner.

Accordingly, the Registry is directed to array the High Court of Punjab & Haryana (through its Registrar General), as respondent no.2 in the petition, with the memo of parties to be accordingly corrected.

Notice is issued.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State.

The learned Registrar General be obviously served by the Registry itself.

Since the entire issue is with regard to the recommendations of the High Powered Committee set up with regard to release of prisoners etc. during the period of the pandemic, the learned Registrar General would get the affidavit of a gazetted officer filed, annexing therewith the latest report of the High Powered Committee, specifically referring to the release of prisoners as had been ordered to be released earlier because of the pandemic; and to specifically also state as to whether the hon'ble High Powered Committee has revised that recommendation in any manner, the contention of learned counsel for the petitioner being that the learned Addl. Sessions Judge, vide the impugned order, has wholly misread the recommendations of the committee, because the committee has nowhere stated (reference its decision in the meeting held on 28.04.2021, copy Annexure P-10), that those who were ordered to be admitted to bail earlier, including those with medical problems, be now taken into custody again.

The notice issued to the learned Registrar General would be returnable on 13.08.2021.

Till then only and specifically, the petitioner would continue to remain on interim bail on the same bail bonds

and surety bonds already furnished earlier, with it made clear that if any decision of the High Powered Committee has not been placed on record in this petition, in terms of what is observed in the impugned order of the learned Addl. Sessions Judge, appropriate costs would be imposed by this court on the petitioner, other than of course dismissal of the petition....”

Counsel for the petitioner has referred to the opinion given by the Medical Officer, Central Jail, Amritsar on 11.02.2020, which reads as under:-

“The Patient was referred to Civil Surgeon Amri on 10.6.2020 and from there to the Medical Superintendent, Guru Nanak Dev Hospital Amritsar. He was widely investigated and his ECG dated 12.06.2020 and 22.06.2020 showed left anterior fascicular block of the Heart along with Ventricular ectopics. After going through his record and reports it is stated that Gurshinderpal Singh is suffering from Diabetes Mellitus Type-2 for the last ten years and is on insulin. He also has left arterial fascicular block of the Heart with ventricular ectopics and Diabetic Retinopathy with Polyopia (Multiple images). His disease therefore, chronic in nature.”

Counsel for the petitioner has further submitted that a period of more than 01 year has elapsed and there is no allegation that the petitioner has misused the concession of bail and he is regularly appearing before the trial Court.

Counsel for the State, on instructions from the Investigating Officer and assisted by learned senior counsel for respondent No.2, has not disputed the factual position.

In view of the above, this petition is allowed, the order dated 12.07.2021 is set-aside and the interim bail extended to the petitioner vide order dated 22.07.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

30.03.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No