

In virtual Court

CRM-M-30901-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30901-2021 (O&M)
Date of decision: 07.02.2022

Gurmeet Singh @ Gita

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Toor, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.150 dated 23.10.2018 under Section 22 of NDPS Act, registered at Police Station Payal, Police District Khanna, District Ludhiana; earlier one was dismissed as withdrawn vide order dated 26.02.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by ASI Pavittar Singh apprehended the petitioner on suspicion and recovery of 10080 intoxicant tablets was effected. It is further submitted that after arrest of the petitioner, no information was sent to the police station and the same Investigating Officer, who gave notice under

Section 50 of NDPS Act, conducted further investigation, therefore, it will be a debatable issue whether the proper procedure has been followed or not.

Learned counsel for the petitioner further submits that earlier the petitioner was granted interim bail considering his health condition. It is further submitted that the petitioner is suffering from Gall Bladder ailment and has been operated upon, when he was on interim bail and thereafter, he surrendered back on 24.01.2021 and again he is having medical problem. It is also submitted that as on today, total custody of the petitioner is 02 years, 07 months and 12 days; charges were framed on 22.08.2019, however, out of total 13 prosecution witnesses, only 02 PWs have been examined.

In pursuance of the directions given by this Court to learned State counsel to file an affidavit of the Investigating Officer along with report of the Jail Doctor, same has already been filed. In the report, Jail Doctor has opined as under:-

“It is submitted that UT Gurmeet Singh @ Gita S/o Pavittar Singh came to Central Jail, Ludhiana on 13.05.2021 and was examined in OPD of Jail Hospital on 13.11.2021 where he produced photocopy of medical record and as per medical record, he is a known case of HCV positive for which he was put on treatment by the specialist doctors of Rajindra Hospital, Patiala on 18.01.2021 but patient did not complete the entire course of his ailment. Considering the medical history, the patient was referred to Civil Hospital, Ludhiana on 15.11.2021 for further treatment and

management.”

Learned State counsel, on the basis of custody certificate dated 05.02.2022 filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody, though he is involved in some other cases, but is on bail; only two prosecution witnesses have been examined; in view of medical ailment, for which he was granted interim bail and after availing the same, he surrendered back in time and has not misused the same and report of the Jail Doctor dated 09.12.2021 that the petitioner did not complete the entire course of his ailment at Rajindra Hospital, Patiala and was referred, reflects that he needs urgent medical attention, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

07.02.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No