

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

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**CRM-M-27909-2022
Decided on : 11.07.2022**

Ashok Kumar @ Shoki

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Dinesh Nagar, Advocate
for the petitioner(s).

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C., the petitioner is seeking grant of interim bail, on account of severe and urgent medical exigencies, in case FIR No. 0007, dated 23.01.2018, under Section 22 of the NDPS Act, 1985 (later on added Sections 419, 420, 465, 467, 468, 471, 177, 120-B & 201 of IPC, 12 of the Passport Act, 1967 and 31 of the NDPS Act, 1985), registered at Police Station Mukandpur (now P.S. Aur), District SBS Nagar.

While issuing notice of motion, this Court had directed the State to verify the authenticity of the submissions made by the counsel for the petitioner and to file the status report in respect of the medical condition of the petitioner.

In compliance of the order dated 04.07.2022, short reply by way of affidavit of Satnam Singh, PPS, Additional Superintendent, Central Jail, Ludhiana, on behalf of the respondent-State, has been filed in Court today. A copy thereof has been handed over to the counsel opposite.

Besides above, learned State counsel has also filed the custody certificate dated 09.07.2022, of the petitioner in Court today. Both the short reply and custody certificate are taken on record, subject to all just exceptions. Office to tag the same at appropriate places.

The learned State counsel while drawing the attention of this Court to the affidavit, which has been filed in Court today, submits that the petitioner has a history of Diabetes Mellitus-II and Hypertension and suffering from Heart disease , for which he is already taking necessary treatment from a specialist of Civil Hospital, Ludhiana. Learned State counsel submits that the petitioner is being provided best medical treatment in Central Jail, Ludhiana.

Learned State counsel submits that no doubt the Medical Officer in his opinion (annexed as Annexure R-1) reported that the petitioner needs monitoring and follow-up at a higher centre. He, however, nowhere recommended that he be referred to a higher medical speciality. Learned State counsel, thus, submits that the condition of the petitioner is definitely not so serious, which would warrant extending the concession of interim bail to him on medical grounds. He further submits that the petitioner is a man of criminal antecedents, as he is involved in another criminal case under the NDPS Act, wherein, he has been convicted and sentenced to 10 years along with fine of Rs.1,10,000/-. Learned State counsel submits that in the wake of his criminal antecedents, there is likelihood that under the garb of his alleged medical condition, he may abscond during the pendency of the case in question, as his sentence already stands suspended in case FIR No. 50, dated 26.02.2014, under Sections 18/22/61 of the NDPS Act, registered at P.S. Sarabha Nagar. Learned State counsel thus prays for dismissal of the instant petition.

I have heard learned counsel for the parties and perused the material on record including the status report and the custody certificate of the petitioner, filed by the learned State counsel in Court today.

The medical status report, which has been annexed as Annexure R-1 along with the short reply filed by the State today, does not in any manner reveal that the medical condition of the petitioner is serious for which he would require treatment from some other medical specialist. Rather, it is evident from a perusal of the status report that the condition of the petitioner is being continuously monitored and he is being treated by a Medical Specialist of Civil Hospital, Ludhiana.

In the facts and circumstances as enumerated hereinabove and more so, keeping in view the criminal antecedents of the petitioners, this Court does not deem it a fit case to extend the concession of interim bail to the petitioner.

Dismissed. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 11, 2022

J.Ram

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