

CRM-M-27868-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-27868-2022  
Decided on: 20.07.2022

Hardeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Harpreet S. Multani, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station | Sections                     |
|---------|------------|----------------|------------------------------|
| 16      | 06.05.2022 | SSOC, Amritsar | 21, 25, 27A & 29 of NDPS Act |

1. The petitioner under arrest for violating the provisions as mentioned above of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), as per the FIR captioned above, has come up before this Court under Section 439 CrPC seeking interim bail on the following grounds, which are mentioned in para 3 of the petition:-

“That the petitioner is suffering from Meningioma, generally explained as a tumour surrounding the brain. The latest medical reports of the petitioner from Guru Nanak Dev Hospital, Amritsar has advised the petitioner to get operated for ICSOL (Intra-Cranial Space Occupying Lesion) which is commonly known as tumour within the skull. The petitioner had developed medical issues as regard hernia also however the operation of hernia has been deferred and surgery for Meningioma has been advised to be done immediately and for the same the petitioner was referred for Neurosurgery in PGI, Chandigarh. However, on account of the confinement of the petitioner, the petitioner is unable to take the requisite medical aid and there is also no one in the family of the petitioner to follow up with the jail authorities for requisite timely medical attention to the petitioner. The petitioner can get proper medical treatment only in case he is allowed bail. The life of the petitioner is at stake. For ready reference the requisite medical records of the petitioner, true extracts are being annexed as ANNEXURE P-4 (Colly).”

2. In paragraph 9 of the bail petition, the accused declares that he has no criminal antecedents.

4. Ld. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family.

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5. While opposing the interim bail, Ld. counsel appearing for the State does not dispute the factum of the grounds on which the petitioner is seeking interim bail.

REASONING:

6. Given the medical status report by MO, Central Jail, Amrtisar, Court is inclined to release the petitioner on interim bail as he requires immediate surgical intervention for his Meningioma & hernia

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

8. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Illaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

9. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

10. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

11. Immediately on reaching home/venue, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned

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SHO/I.O. This condition shall continue till surrender.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

13. **It is clarified that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a limited period bail on but he did not mend ways.**

14. 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 any language that the petitioner understands.

15. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

16. **The petitioner shall surrender in prison from where he was released, on or before 19.09.2022, by 4 p.m. He is at liberty to file a fresh petition for regular bail on merits after surrender.**

*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.*

**Petition allowed in aforesaid terms.** All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

20.07.2022  
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Whether speaking/reasoned: Yes  
Whether reportable: No.