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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45588-2021 (O&M)
Date of Decision: 13.01.2022

Kuldeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Bandana Trikha Sachdev, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C for grant of interim regular bail for two months to the petitioner on medical grounds in case FIR No.113 dated 26.09.2018 under Section 21 NDPS Act, 1985, registered at Police Station Shambu, District Patiala.

Learned counsel for petitioner has stated that petitioner's wife, namely, Baljinder Kaur is suffering from Dysfunctional Uterine Bleeding problem and in this regard, she has placed reliance upon the medical report (Annexure P-2). According to the learned counsel except petitioner (husband of the patient), there is nobody to look after his wife, therefore, he be released on interim regular bail.

On 08.11.2021, the learned State counsel had sought time to verify the above ground. In response thereto, learned State counsel had filed status report and as per status report, the petitioner's wife is indeed suffering from Dysfunctional Uterine Bleeding problem and her surgery is to be

performed on 16.01.2022. However, he has opposed the prayer on the ground that there is every likelihood that the petitioner may abscond. Learned State counsel has further highlighted that the surgery is to be performed by Dr. Ramesh Goyal, at Patiala and the parent's in law of patient are also residing in the same district, who can take care of her. Apart from it, it has also been specifically mentioned in the reply that petitioner's wife has two brothers and they can also very well take care of their ailing sister.

At this stage, learned counsel for the petitioner has argued that other relatives have neglected the petitioner's wife, therefore, except for him, there is nobody else to look after her.

After hearing the learned counsel for the parties and considering the above background, this Court does not find any merit in the argument that except for the petitioner/accused, no one else in the family is ready to take care of the patient, who needs immediate surgery. The parents of the petitioner are residents of District Patiala, where the surgery is to be performed and they can very well attend their daughter-in-law. Apart from it, the petitioner's wife has two brothers, who are residing at a nearby village and they too can take care of their ailing sister. It is not the case of the petitioner that despite request made on behalf of his wife, close relatives have shown no compassion and refused to help her in this hour of need. Further during the course of hearing, it is not disputed by the learned counsel for the petitioner that the petitioner along with his wife have been staying in New Delhi, but it has not been explained as to why her treatment is being taken in a hospital at Patiala. The facts and circumstances clearly indicate that the petitioner's wife can make an alternative arrangement. Consequently, no case is made out for release of the petitioner on interim

regular bail.

Dismissed.

13.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No