

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39834-2022
Date of Decision: 06.09.2022

Rulia Ram ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Pooja Jaglan, Advocate for the petitioner.

Mr. Rajat Gautam, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
200	05.07.2021	City Thanesar, District Kurukshetra	20 & 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), per the FIR captioned above, has come up before this Court under Section 439 Cr.P.C. seeking interim bail to get better medical treatment at his own level.

2. Para 4 of the bail petition reads as follows:

“That the petitioner is suffering from IHD (ISHAEMIC HEART DISEASE), uncontrolled hypertension (HNT) & uncontrolled Diabetes, his ECG also shows abnormality due to myocardial ischemia. The petitioner is under evaluation and as per medical certificate his condition is deteriorating day by day and he is not even in a condition to take his medicines himself. Copies of the relevant document qua medical records are annexed herewith as Annexure P-3.”

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

4. 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, and place on record the medical certificate received through the Dy. SP, Kurukshetra, and the certificate reads as follows:

“Rulia S/o Fakir Chand 62 years/Male is an under trial prisoner in district Jail Kurukshetra. He is suffering from IHD (ISHAEMIC HEART DISEASE), uncontrolled hypertension (HNT) & uncontrolled Diabetes. He was referred to LNJP Hospital, Kurukshetra & KCMC Karnal on regular basis for treatment from where he was further referred to PGIMS Rohtak, cardiology department from where he is under continuous treatment. ECG also shows abnormality, resembling, Myocardial Ischemic changes. He is under evaluation and his condition is deteriorating day by day despite regular treatment. He needs urgent treatment from higher centre.

REASONING:

5. 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 Cr.P.C., 1973.

6. 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. Ten thousand (INR 10,000/-) 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 Ilaqa 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.

7. 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.

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

9. In return for the limited protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior. **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 cautioned the petitioner to reform and live a normal life but did not mend his ways.**

10. The conditions mentioned above imposed by this court are to endeavour that the accused does not repeat the offence. In Mohammed Zubair v. State of NCT of Delhi, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

11. 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.

12. 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.

13. **The petitioner shall surrender in prison from where he was released, on or before Nov 30, 2022, by 4 p.m.**

14. *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

06.09.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.