

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M-52336 of 2021 (O&M)
Date of Decision: 12.1.2022**

Varun Bhogal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

Opinion of the Medical Board dated 10.1.2022 filed by the learned counsel for the respondent—State is taken on record.

This is a petition that has been filed for extension of interim bail granted to the petitioner herein by order dated 27.10.2020 passed by the Additional Sessions Judge, Panipat, in FIR No. 433 dated 27.4.2019 registered under Sections 21, 29 of the NDPS Act at Police Station Chandni Bagh, Panipat.

Learned counsel for the petitioner herein would submit that the petitioner is suffering from pancreatic disorder and is on huge dose of insulin. It is submitted that he requires immediate treatment, which is to be undergone at AIG Hospitals, Hyderabad and therefore, extension of interim bail already granted to the petitioner is necessary.

Whereas, learned counsel appearing on behalf of the State

opposes any extension of time as sought. It is submitted that initially the petitioner was granted interim bail for 30 days on medical ground by order dated 27.10.2020 passed by the Additional Sessions Judge, Panipat, which was further extended from time to time upto 13.12.2021, but ultimately further extension in interim bail was declined on 10.12.2021 by the court below. Thus, it is submitted that apart from availing enough time for treatment, the petitioner was found in possession of 722 grams heroine, which is a commercial quantity and therefore extension of interim bail would not be justified.

I have heard learned counsel for the parties as well as perused the medical record that has been annexed with the petition.

It is worthwhile to note that a Medical Board was constituted by the PGIMS, Rohtak, to examine the petitioner. The said Medical Board has opined that the “patient need to continue medical management he is already receiving”.

Faced with the situation, learned counsel for the petitioner would rely upon the fact that there are opinions available on the record, which would show that the petitioner is in dire need of pancreatic stenting/Islet Cell Transplant, which procedure is available only at AIG Hospital in Hyderabad and that too after the approval of the Central Government.

The petitioner has already availed interim bail in the aforesaid FIR on medical ground for a sufficient length of time. Though during the interim bail, the petitioner had appeared before a hospital at Hyderabad, which is supposed to be a premier institute in relation to treatment of

pancreatic disorder, in the month of October, 2021 and he had ample opportunity and time with him to have the procedure done, but it was not done during the said period. Therefore, there is no ground made out at the present moment for extension of interim bail already allowed to petitioner.

Consequently, the instant petition is disposed of with an observation that in case the petitioner is able to fix an appropriate date/schedule for the surgery/procedure slated for the said treatment at Hyderabad or any other institute, he would be at liberty to file an application for interim bail again.

12.1.2022*prem***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No