

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.110

Case No. : CRM-M-51189-2022

Date of Decision : November 30, 2022

Gaurav alias Gorav		Petitioner
vs.		
State of Punjab and others		Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Vineet Kumar Jakhar, Advocate
for the petitioner.

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GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. to issue appropriate directions to the respondents for permitting the petitioner to undergo practical training for the Diploma Pharmacy Courses in Civil Hospital, Jhajjar or Pharmacy situated at District Jail, Jhajjar or in the alternate, to direct the respondents to allow the petitioner to undergo training program at the Pharmacy situated at the Central Jail, Bathinda, where the petitioner is presently confined.

Learned counsel for the petitioner has submitted that the petitioner is a student of Diploma Course of Pharmacy from BDM College of Pharmacy, Jhajjar. The petitioner is facing trial in case FIR No.296 dated 12.12.2021, under Section 22 of the NDPS Act, 1985, registered at Police Station Lehra, District Sangrur. Presently, the petitioner is lodged in Central Jail, Bathinda.

Learned counsel further apprised this Court that vide order dated 07.07.2022, passed by a Co-ordinate Bench of this Court in **CRM-M-28870-2022**, which was preferred by the petitioner for permission to appear in exams for 2nd Year of Pharmacy Diploma Course, the petitioner appeared for the 2nd Year exams from 09.07.2022 to 21.07.2022.

On 25.07.2022, a letter was issued by the Principal, BDM College of Pharmacy, Jhajjar for 'Practical Training' of the petitioner to the Civil Surgeon, Jhajjar stating that the petitioner is a student of D.Pharmacy/ Year 2020-22 in the said College and wants to do Practical Training in their hospital (Annexure P-5).

Learned counsel for the petitioner submits that non-participation of the petitioner in the aforesaid Training Program will cause irreparable loss to him as without the aforesaid training, he would not be issued Diploma in Pharmacy. He has relied upon two judgments of Hon'ble Supreme Court passed in **Mohammad Giasuddin vs. State of Andhra Pradesh** reported as **1977 AIR 1926** and in the case of **Bandhua Mukti Morcha vs. Union of India and others** reported as **(1984) 2 SCR 67**.

Heard.

The petitioner is lodged in Central Jail, Bathinda as he is facing trial in case FIR No.296 dated 12.12.2021, under Section 22 of the NDPS Act, 1985, registered at Police Station Lehra, District Sangrur. At the time of his arrest, he was doing Diploma Course of Pharmacy from BDM College of Pharmacy, Jhajjar. As per order dated 07.07.2022, passed in **CRM-M-28870-2022**, the petitioner was allowed to appear for the 2nd Year exams.

As per the letter dated 25.07.2022, issued by the Principal, BDM College of Pharmacy, Jhajjar to the Civil Surgeon, Jhajjar, the petitioner wants to undergo Practical Training. Since the petitioner is facing trial and is in custody, as per orders passed by the learned Judge, Special Court/NDPS Court, Sangrur/Additional Sessions Judge, Sangrur, the proper course for the petitioner is to move application to the said Court. The judicial propriety demands that hierarchy of the judicial system must be maintained. Since the Court of learned Special Judge/Additional Sessions Judge, Sangrur is competent to pass any order regarding the undertrial, in my considered opinion, the instant petition deserves dismissal with liberty to the petitioner to move an appropriate application before the Court below, which shall pass the order, in accordance with law.

Dismissed.

November 30, 2022

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>