

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

252

**CRM-M-1306-2023**

**Date of decision: 28.02.2023**

Gulshan

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.89 dated 25.06.2022 under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sangat Bathinda, District Bathinda.

Learned counsel for the petitioner restricts his prayer for grant of regular bail on medical grounds.

Learned counsel for the petitioner submits that it is a matter of record that the petitioner has been ailing from various ailments, as a result of which he has now become mentally unstable. He submits that in case the petitioner is granted concession of bail, there was every likelihood that his medical condition would improve in the company of his family.

The following medical status report was filed on the last date by the Medical Officer of the Jail concerned:-

*“It is respectfully submitted that above patient visited Jail Hospital, Bathinda for complaints of skin, several times since 06/07/2022. Proper treatment was*

*given and his skin ailments subsided. On 17/01/2023, he presented to Jail Hospital with complaint of seizures, for which medicines were prescribed. On 19/01/2023, he again presented to Jail Hospital with complaint of loss of voice and seizures. He was admitted and sent to Civil Hospital Bathinda on emergency referral on 20/01/2023. In Civil Hospital, Bathinda, he was consulted by Psychiatrist and thereby his treatment is being continued as per his prescription.*

*On 28/01/2023, he was sent to Civil Hospital, Bathinda, where the ENT specialist referred him for laryngeal endoscopy at Guru Gobind Singh Medical College and Hospital (GGSMCH), Faridkot. He was referred to Guru Gobind Singh Medical College and Hospital, Faridkot on 10/02/2023 for laryngeal endoscopy and planned endoscopy was done. Report revealed normal study. No deformity or ailment seen. Specialist there advised Psychiatrist opinion. He is being referred to DH, Bathinda for psychiatrist opinion and the report is awaited.*

*Patient is physically stable but mentally unstable.”*

In compliance of order dated 16.02.2023, learned State counsel has today filed reply by way of affidavit of N.D. Negi, Superintendent, Central Jail, Bathinda along with a report of the jail doctor regarding the mental condition of the petitioner, along with his custody certificate which are taken on record subject to all just exceptions. Relevant extract of report of the Medical Officer of the Central Jail Hospital, Bathinda where the petitioner is currently lodged is reproduced as under:-

*“On 28/01/2023, he was sent to Civil Hospital Bathinda, where the ENT specialist referred him for laryngeal endoscopy at Guru Gobind Singh Medical College and Hospital (GGSMCH) Faridkot. He was referred to Guru Gobind Singh Medical College and Hospital, Faridkot on 10/02/2023 for laryngeal endoscopy and planned endoscopy was done. Report revealed normal study. No deformity or ailment seen. He was concurrently advised Psychiatry opinion and he was sent to Department of Psychiatry, DH Bathinda and has been advised treatment. Anti-anxiety and antidepressants have been advised for loss of voice and the same have been made available to him.”*

It has been further reported by the Medical Officer that though the petitioner is stable but “is mentally fragile”.

As per the custody certificate which has been filed today, the petitioner has been behind bars since 25.06.2022 and only 01 prosecution witness out of the 09 cited stands examined. The petitioner is not shown to be involved in any other criminal case much less under the NDPS Act.

In the peculiar facts and circumstances of the case, this Court deems it appropriate to extend the concession of bail to the petitioner on medical grounds. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

28.02.2023

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |