

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

118

**CRM-M-6773-2023
Decided on : 08.02.2023**

Gaurav @ Gorav

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vineet Kumar Jakhar, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Instant petition is for seeking directions to permit the petitioner to undergo Re-appear Exam (Practical) for 2nd Semester of Diploma Courses of Pharmacy, which are scheduled from 09.02.2023 (Annexure P-5), as earlier with the permission of this Court vide order dated 07.07.2022 (Annexure P-3), passed by this Court, petitioner was allowed to appear on the scheduled dates of the theoretical examination in police custody.

2. Counsel for the petitioner submits that petitioner is inside jail in case FIR No. 296, dated 12.12.2021, registered at P.S. Lehra, District Sangrur, lodged under Sections 22 of NDPS Act. He further submits that for appearing in the examinations for 2nd Semester of Diploma Courses of Pharmacy, which was scheduled from 09.07.2022, petitioner was directed to be taken to the examination centre vide order dated 07.07.2022 by this Court (Annexure P-3). In due compliance of the order dated 07.07.2022 (Annexure P-3), passed by this Court, petitioner was taken to the examination centre for theoretical examination, which has been successfully cleared by the petitioner, and in that regard, result of the said examination is

also attached with the present petition as Annexure P-4.

3. Counsel for the petitioner further submits that present petition has been filed for the reason that practical examination(s) of the same course i.e. Re-appear Exam (Practical) for 2nd Semester of Diploma Courses of Pharmacy, in which petitioner is required to appear, is scheduled for 09.02.2023, 11.02.2023, 14.02.2023 and 20.02.2023. The schedule of practical examination, in extracted form, as taken out from paragraph No.6 of the present petition, is reproduced hereinbelow:

<i>S.No.</i>	<i>Subject</i>	<i>Date of Exam</i>	<i>Shift</i>
<i>1</i>	<i>2132- Phar. Chem.-II</i>	<i>09.02.2023</i>	<i>Morning</i>
<i>2</i>	<i>2133- Pharmacology & Toxicology</i>	<i>11.02.2023</i>	<i>Morning</i>
<i>3</i>	<i>2136- H.C.P.</i>	<i>14.02.2023</i>	<i>Morning</i>
<i>4</i>	<i>2131- Pharmaceutics-II</i>	<i>20.02.2023</i>	<i>Morning</i>

4. Counsel for the petitioner further submits that along with details of practical examination(s), petitioner has received Permission-cum-Admission Form (Annexure P-5) from B.D.M. College of Pharmacy, Village Chhuchhakwas, Distt. Jhajjar, Haryana (respondent No.4).

5. Thus, petitioner seeks permission to appear in Exam (Practical) for 2nd Semester of Diploma Courses of Pharmacy, with the similar terms & conditions, as were mentioned in the earlier order dated 07.07.2022 (Annexure P-3), passed by this Court, for theoretical examination of the said course.

6. Notice of motion.

7. On asking of the Court, Mr. J.S. Arora, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent No.1 (State of Punjab), and Mr. Vikas Bhardwaj, AAG, Haryana, who is also present in Court, accepts notice on behalf of respondents No.2 & 3 (State of Haryana).

Let requisite copies of the complete paper book be supplied to both the learned State counsel during course of the day.

8. Since, this is not even the prayer for seeking interim bail, there is no need to adjourn the matter for confirmation of the said fact. Rather, considering the aspect that a very short period is left for conducting of the practical examination(s), which are commencing from tomorrow i.e. 09.02.2023, petitioner is permitted to appear in practical examination(s) for 2nd Semester of Diploma Courses of Pharmacy, which are scheduled to take place on 09.02.2023, 11.02.2023, 14.02.2023, and 20.02.2023.

9. Therefore, for facilitating the taking of the above examinations, by the petitioner, which are to be conducted at B.D.M. College of Pharmacy, village Chhuchhakwas, District Jhajjar (Haryana), the Senior Superintendent of Police, Bathinda, shall deploy two armed escorts along with the petitioner. Since the distance *inter se* the jail concerned, and, the examination centre, can be covered during the course(s) of the day(s) concerned, therefore, on the relevant scheduled dates, the Superintendent of Jail concerned, shall ensure that the present petitioner is carried from the prison at a time, that he becomes enable to make his participation on the scheduled date(s), in the exams, at the examination centre concerned. The Superintendent of Jail concerned, is also directed to ensure that strictly within the ambit of the scheduled dates, mentioned herein-above, he shall cause the temporary exit, of the petitioner, from the prison concerned, and shall hand over his temporary custody to the armed escorts at the gate of the prison, to be deployed for the relevant purpose, by the Senior Superintendent of Police, Bathinda.

10. It is clarified that the petitioner after taking examination(s), on

each of the scheduled dates, shall be ensured by the armed escorts to become retrieved to the prison concerned.

11. The petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 08, 2023
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*