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2023:PHHC: 079347

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

CRM-M-16419-2023

Date of Decision: 30.05.2023

JAGDISH SINGH @ GAGGI

..... PETITIONER

VS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. Bikramjeet Singh Jatan, Advocate for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C with a prayer for setting aside the order dated 16.03.2023 passed by Judge Special Court, Mansa vide which prayer of the petitioner seeking extension of interim bail granted till the receiving of FSL report vide order dated 20.10.2022, for undergoing surgery as advised by the doctors vide medical opinion dated 14.01.2023 (Annexure P-4) and medical opinion dated 03.03.2023 (Annexure P-5) since he is suffering from Varicocele, has been dismissed and for granting extension of interim bail to the petitioner which has been granted vide order dated 20.10.2022 for undergoing surgery as advised by the doctors.

Learned counsel for the petitioner submits that vide order 20.10.2022 (Annexure P-2) passed by Special Judge, Mansa petitioner was granted interim bail till the presentation of report of Chemical Examiner and subject to the following conditions:-

1. The applicant will furnish personal bond of Rs.50,000/- with one like surety.
2. Applicant also will undertake that in case the report of Chemical Examiner goes against him, in that eventuality he will surrender before the court.

Learned counsel for the petitioner further submits that petitioner is an old patient of Varicocele and earlier on 26.02.2020 he had been operated upon by doctors of Dayal Kidney Hospital Bathinda. Petitioner is again suffering from aforesaid disease and Doctors of Nishan Hospital, Mansa has advised the petitioner vide opinion dated 14.01.2023(Annexure P-4) to undergo surgery. The petitioner could not get himself operated upon since challan was presented on 27.01.2023.

Learned State counsel has filed the status report by way of an affidavit of Navneet Kaur, PPS, Superintendent of Police, Sub Division Budhlada, District Mansa and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

Learned State counsel has opposed the request on the ground that as per Chemical Examiner report, recovery from the petitioner is of commercial quantity and on receipt of report, petitioner was required to surrender before the Court below but he failed to surrender and non bailable warrant has been issued against the petitioner.

Learned State counsel has admitted that on inquiry the concerned doctor told that he advised surgery to the petitioner. On asking he has also placed on record a photocopy of the certificate which is taken on record.

Since the petitioner has been advised surgery and photocopy of the certificate of doctor has been placed on record by learned State counsel so in the interest of justice the petitioner is granted interim bail for a period of two months with the following conditions:-

- (i) The petitioner will furnish personal bond of Rs.50,000/- with one like surety to the satisfaction of learned trial Court/Duty Judge.
- (ii) The petitioner shall get himself examined forthwith.
- (iii)The petitioner shall get his mobile number registered in the trial Court for receiving messages through CIS.
- (iv)The petitioner shall not switch off/change his mobile number during this period.
- (v) The petitioner shall surrender in the Court on his own on the expiry of two months.

The petitioner is directed to surrender before the trial Court or before 02.06.2023 for furnishing of the bonds.

Petition stands disposed of.

(GURBIR SINGH)
JUDGE

30.05.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No