

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

CRM-M-17083-2022
Decided on : 05.01.2023

Pritpal Singh @ Preetpal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S.Sekhon, Advocate
 for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

This is the petition under Section 439 Cr.PC for grant of regular bail on medical grounds to the petitioner in case FIR No.145 dated 12.07.2020 under Section 18 of NDPS Act, 1985 (Sections 18-B, 27-A and 29 of NDPS Act added later on) registered at Police Station Cheeka District Kaithal.

In compliance of order dated 06.12.2022, medical status report of the petitioner has been filed in Court today by the State counsel which is taken on record subject to all just exceptions.

A perusal of the medical report reveals that the petitioner is suffering from degenerative changes in cervical and lumbar spine with compression at C4-C6 level by disc osteophyte complexes and canal stenosis at L4-L5 and L5-S1 level and has been advised surgery by Neurosurgery Department, PGIMS Rohtak. Besides this, during his pre-

anaesthetic check up at PGIMS, Rohtak, platelet count was found to be fluctuating between 55000 per cumm to 1,24,000 per cumm. The medical report also reveals that the petitioner was admitted in PGIMS, Rohtak as recently as on 03.01.2023 for further treatment.

Learned counsel for the petitioner *inter alia* contends that FIR in question was registered on the basis of secret information, however, admittedly neither was the petitioner named in the said secret information nor recovery of any contraband effected from him. Learned counsel submits that 01 kg opium was recovered from co-accused Ramesh Kumar, who was named in the secret information and it was pursuant to his disclosure statement, the petitioner was nominated as an accused. Learned counsel further submits that the petitioner has now been in custody since 25.11.2021 and charges have not yet been framed, hence, there is no likelihood of the trial concluding in the near future. It has also been prayed that keeping in view the health condition of the petitioner a compassionate view be taken and the petitioner be released on regular bail.

Per contra learned State counsel while opposing the prayer and submissions made by counsel opposite on instructions, submits that no doubt the petitioner was not named in the secret information nor recovery of any contraband effected from him in the case in hand, however, the petitioner is a man of criminal antecedents as he is involved in two other cases under the NDPS Act wherein recovery of 91 kgs and 180 grams of opium respectively was effected from him. Learned State counsel further submits that the petitioner is the king pin and one of the main suppliers of the contraband to the co-accused from whom recovery was effected.

Learned State counsel, however, has not been able to dispute that the petitioner is undergoing medical treatment at PGIMS Rohtak and has been advised surgery by the Neurosurgery Department, PGIMS Rohtak.

Heard learned counsel for the parties.

This Court is not inclined to extend the concession of regular bail to the petitioner in view of his criminal antecedents. Accordingly, the present petition stands dismissed.

However, keeping in view the medical status report filed in the Court today by the State, this Court deems it fit to extend the concession of interim bail to the petitioner on account of his medical condition for a period of only four weeks from 07.01.2023 to 04.02.2023 subject to payment of heavy surety to the satisfaction of the Court concerned. The petitioner is directed to surrender back before the jail authorities concerned on 04.02.2023 before 5.00 pm.

(MANJARI NEHRU KAUL)
JUDGE

05.01.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No