

CRM-M-32031-2023

(227)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32031-2023

Date of Decision: 24.07.2023

REKHA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail on medical grounds in case bearing FIR No.327 dated 01.09.2022 registered under Sections 21/27-A of the NDPS Act at Police Station Parao (Ambala).

2. The brief facts of the case are that secret information was received by the Police that Anjali wife of Akbar alias Lucky, Anwar alias Abhi son of Shaka and Rekha (petitioner) wife of Shyamlal alias Shyama were indulging in the supply of drugs and were roaming around providing the same to the customers. If a *Nakabandi* was set up, they could be arrested. After complying with the provisions of the Act regarding search and seizure, the accused came to be apprehended. 300 grams heroin came to be recovered

from Anjali. 300 grams of heroin came to be recovered from Rekha (petitioner) and 400 grams of heroin came to be recovered from Anwar.

3. The learned counsel for the petitioner contends that there are violations of the mandatory provisions of the Act regarding search and seizure. As the petitioner was suffering from gynaecological problem of having fibroids in her uterus, she was entitled to the concession of interim bail as she intended to get her surgery done in a private hospital and post-operative care was also necessary which could only be provided by family members. As she was a lady and had been in custody for more than 09 months, she could be provided the concession of interim bail for a period of 30 days.

4. A reply dated 22.07.2023 by way of an affidavit of Ashish Chaudhary, HPS, Deputy Superintendent of Police Ambala Cantt. has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner was suffering from Menorrhagia (heavy or prolonged Menstrual/vaginal bleeding) and she was being provided treatment from Civil Hospital, Ambala City. She had been referred for treatment to GMCH Sector 32, Chandigarh for surgery. However, she had refused to go for surgery, her refusal application dated 27.06.2023 (Annexure R-1) was annexed to the State reply. Even otherwise, she was a history-sheeter having been convicted in two cases under the NDPS Act, acquitted in two cases whereas two cases including the present one were pending trial. Therefore, there was every possibility that the

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petitioner was likely to abscond from justice in case, she was granted the concession of interim bail.

5. I have heard the learned counsel for the parties and perused the record.

6. A perusal of an examination of the medical report (Annexure R-1) of the petitioner would show that though the petitioner has been suffering from Menorrhagia for which she was being referred to GMCH, Sector 32, Chandigarh, she has no other serious or life threatening medical condition for which she requires interim bail. On the contrary, for all her medical conditions, she has been getting adequate treatment from the jail either at Civil Hospital, Ambala City or GMCH, Sector 32, Chandigarh. Even now, for her existing condition, she was to be operated upon and was referred to GMCH Sector 32, Chandigarh but has refused to go for surgery as is borne out from the reply of the State. Therefore, apparently, the petitioner does not require the concession of interim bail as she has been given adequate treatment from time to time as required.

7. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

24.07.2023

JITESH

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