

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRM-M-33271-2023(O&M)

Date of decision: 20.07.2023

Gaurav @ Gorav

....Petitioner

V/s

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Gurminder Singh Phull, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

VIKAS SURI, J. (Oral)

CRM-29230-2023

Application for placing on record Annexures P-4 and P-6 and for exempting certified/true copy of the same is allowed, subject to just exceptions.

Annexures P-4 and P-6 are taken on record.

CRM stands disposed of.

CRM-M-33271-2023

1. Prayer in the present petition under Section 482 Cr.P.C is for issuance of appropriate direction for permitting the petitioner to sit for re-appear Examinations (Practical) for 2nd Semester of Diploma Courses of Pharmacy in the subject of Hospital and Clinical Pharmacy (HCP), which was scheduled to be held on 15.07.2023.
2. It is submitted that the above noticed Examination has been rescheduled for 01.08.2023, in the morning shift (9.30 a.m.-12.30 p.m.).
3. Learned counsel for the petitioner submits that the petitioner is

incarcerated in Central Jail, Bathinda in case FIR No.296, dated 12.12.2021 under Section 22 of the NDPS Act, registered at Police Station Lehra, District Sangrur.

4. The petitioner had earlier also approached this Court on two occasions for taking Examinations. The petitioner was permitted to appear in those Examinations that were scheduled to be held from 09.07.2022 to 21.07.2022 and accordingly slew of directions were issued vide order dated 07.07.2022 (Annexure P-5). Thereafter, the petitioner had to again appear in the Examinations and was permitted to do so on similar terms and conditions vide order dated 08.02.2023 (Annexure P-2).

5. Notice of the petition was issued to both the States (respondent Nos.1 and 2). Learned counsels for the State of Punjab and State of Haryana, do not controvert passing of the orders Annexure P-2 and P-5 and the directions issued therein.

6. Heard learned counsel for the parties.

7. The present petition is liable to be accepted on similar terms and conditions as was done on two earlier occasions noticed above.

8. 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), therefore, on the relevant scheduled date, the Superintendent of Jail concerned, shall ensure that the present petitioner is carried from the prison at a time, that he is enabled to mark his participation on the scheduled date, in the exam, 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.

9. It is clarified that the petitioner after taking examination(s), on the scheduled date, shall be ensured by the armed escorts, to become retrieved to the prison concerned.

10. The petition stands disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

July 20, 2023
vcgarg

Whether speaking/reasoned:	Yes
Whether reportable:	No