

CRM-M-40734-2022

227
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40734-2022
Decided on: 13.02.2023

Purshotam Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Sanish Girdhar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
105	31.05.2022	Beas, Amritsar	18 of NDPS Act, 1985

1. The petitioner under arrest as per the FIR captioned above, had come up before this Court under Section 439 CrPC seeking interim regular bail on medical grounds as he is suffering from cancer.
2. Counsel for the State has verified the health condition of the petitioner and submitted the report which is taken on record. In para 7 of the report submitted by counsel for the State, the following details has been mentioned:-

“That in order to ascertain the status regarding medical health of the petitioner, the Station House Officer, Police Station Beas, Amritsar (Rural) had requested the Medical Officer, Central Jail, Amritsar for providing information about the medical health of the petitioner vide application dated 11.10.2022. The medical officer, Central Jail, Amritsar has given a detailed report reporting therein that petitioner is suffering from the Diabetes Mellitus Type-II with a coronary Artery disease (CAD) and he is also a known case of Carcinoma Prostate (CA). It is further reported that conservating treatment of the petitioner is available inside jail Hospital but the surgical treatment like of CA Prostate is not possible inside jail Hospital and for that treatment, he can be referred to surgery department of the Guru Nanak Dev Hospital, Amritsar for further management or the PGI Chandigarh can also be considered for his treatment.”

3. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family. He orally submits that considering the bad health of the petitioner, he be given at least six months of interim bail.
4. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail till 04.09.2023, and after surrendering on 04.09.2023, it shall be open for him to file a fresh bail petition under section 439 CrPC

CRM-M-40734-2022

on merits.

5. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

6. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

7. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

8. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. **The petitioner shall surrender in prison from where he was released, on or before 04.09.2023, by 11 a.m.**

11. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is allowed in the terms mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

13.02.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.