

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44130-2022 (O&M)  
Date of order: 31.05.2023

Avtar Singh

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM:       HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:-       Mr. Talwinder Singh, Advocate  
                      for the petitioner(s).

Ms. Navreet Kaur Barnala, AAG, Punjab.

\*\*\*

ANOOP CHITKARA, J.

| FIR No. | Dated    | Police Station                                       | Sections                                                                                                           |
|---------|----------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 41      | 6.4.2022 | Sadar       Malout,<br>District Sri Muktsar<br>Sahib | 18(c) and 29 (added later on) NDPS Act.<br>Section 18(B) NDPS inserted later on in<br>place of Section 18(c) NDPS. |

1.     The petitioner under arrest in the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail. During the pendency of the petition, the petitioner has filed an application CRM-20877-2023 for interim bail to enable him to be operated upon for Hernia and Benign prostatic hyperplasia (*Gadood*).
2.     In compliance of previous order dated 29.5.2023, affidavit on behalf of the Superintendent, District Jail, Sri Muktsar Sahib, which is supported by medical report of the petitioner issued by Medical Officer, District Jail, Sri Muktsar Sahib, has been filed in Court, which is taken on record. It would be appropriate to refer to relevant part of said medical certificate, which read as under:-

“This is to inform you that prisoner Avtar Singh S/o Surjit Singh presented in OPD Hospital District Jail Sri Muktsar Sahib with C/o difficulty in micturition. Medicine given to patient at Hospital District Jail for treatment and on 04.02.2023 prisoner referred to Civil Hospital Sri Muktsar Sahib for better treatment. Patient referred GGS Medical College & Hospital Faridkot by the doctor of Civil Hospital Sri Muktsar Sahib for treatment. On 08.02.2023 prisoner referred GGS Medical College & Hospital Faridkot for treatmentOn 10.02.2023, 16.02.2023, 21.02.2023, 03.03.2023, 14.03.2023, 20.03.2023, 01.04.2023,

06.04.2023 prisoner referred to GGS Medical College & Hospital Faridkot for follow up and treatment. Prisoner referred to AIIMS Hospital Bathinda by doctor of GGS Medical College & Hospital Faridkot for treatment. On 19.04.2023 prisoner referred to AIIMS Hospital Bathinda for treatment. On 08.05.2023 and 26.05.2023 prisoner referred to AIIMS Hospital Bathinda for follow up and further treatment. Present medical condition of prisoner is that he is having problem of prostatomegaly and right inguinal hernia for which he is being referred to higher medical hospitals for treatment. Overall medical condition of prisoner is that he is stable, conscious and well oriented to time, place and person."

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 3 weeks of interim bail.

4. However, State opposes such interim bail on the ground that it might be a pretext to come out.

5. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail till 19.06.2023, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on 19.06.2023, it shall be open for him to file a fresh bail petition under section 439 CrPC on merits.

6. 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.

7. 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 Ilqa 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.

8. 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

and the concerned Court.

9. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

10. Immediately on reaching home/venue, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till surrender.

11. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

12. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of one-hundred meters from the victim's home during the period of this interim bail. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

13. 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.

14. 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.

**15. The petitioner shall surrender in prison from where he was released, on or before 19.06.2023, by 2-00 p.m.**

16. The petitioner shall hand over the photocopies of his treatment to Superintendent of Jail on his return.

17. *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.*

**CRM-20877-2022 is allowed. The main petition is disposed of with liberty to file a fresh one after surrender.** The disposal of the present petition shall not stand in the way of filing and considering the fresh petition. All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

May 31, 2023  
AK

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