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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-40508-2023 in/and
CRM-M-48452-2023 (O&M)
Decided on: 03.10.2023

Nishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Balbir Kumar Saini, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	28.05.2022	Kot lse Khan, District Moga	22 of NDPS Act

1. The petitioner under arrest as per the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail. Petitioner has also filed an application i.e. CRM-40508-2023 for interim bail for his treatment as he is suffering from diabetes mellitus, coronary Artery Disease, Acute Cornonary syndrome.
2. Counsel for the State has filed medical status report, which is taken on record. By making reference to para 3 of the status report, counsel for the State opposes the bail and submits that jail authorities are taking care of him and proper treatment is being provided to the petitioner as per his requirement.
3. Counsel for the petitioner submits that he was earlier granted interim bail on medical ground by this Court vide order dated 13.02.2023 passed in CRM-M-6184-2023 and he was directed to surrender on 04.09.2023 and as per the directions of this Court the petitioner had surrendered on time and now his condition is not stable and he requires immediate treatment for the above said diseases. Counsel further submits denial of interim bail would cause an irreversible injustice to the petitioner and family.
4. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail for two months from the date of release, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering, it shall be open for him to file a fresh bail petition under

section 439 CrPC 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. 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.

9. 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.

10. 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.

11. 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.

12. **The petitioner shall surrender in prison from where he was released, on the date fixed by the concerned court at the time of release i.e. after two months from the date of release, not later than December 15, 2023.**

13. *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-40508-2023 is allowed. Petitioner is at liberty to file application for extension of interim bail by annexing corroborating latest medical record of his treatment. Petitioner is directed to attend the trial without seeking any adjournment.

Main petition stands disposed of with liberty to file a fresh 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

03.10.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.