

2023:PHHC:141973

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM M-53353 of 2023 (O&M)
Date of Decision: 07.11.2023

Balwinder Singh @ Babbu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Harpreet Maini, Advocate for
Mr. Shivraj Angi, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 226 dated 23.09.2022 registered under Sections 22(c), 21(b), 25 and 27 of the NDPS Act registered at Police Station STF Phase-4, Mohali, District Mohali, on the ground that he is not keeping good health and is suffering from Hepatitis-C and various other ailments.

2. Learned counsel for the petitioner vehemently argues that the petitioner is also suffering from swelling over left lower limb and as per the medical record, there is pain and swelling in the left leg of the petitioner since 2022. As per the record, he was suffering from HCV and was sent to Civil Hospital Bathinda on 27.05.2023 and

21.06.2023. Even after this, he was also referred to AIIMS Bathinda for his treatment on 07.06.2023, 20.06.2023, 21.06.2023, 04.08.2023 and 22.08.2023. Learned counsel further contends that the jail authorities had neither sufficient time nor money for a patient like the petitioner and he requires immediate and constant medical attention by the competent doctors. Learned counsel further contends that the petitioner is in custody since 23.09.2022 and the petitioner has been in custody for the last more than 01 year and 01 month. Consequently, keeping in view the medical condition of the petitioner, he may be ordered to be released on interim regular bail.

3. On the other hand, learned State counsel has placed on record a short reply by way of an affidavit of the Superintendent, Central Jail, Bathinda. Learned State counsel submits that the petitioner is a hardened criminal and apart from the present case, the following FIRs were also registered against him:-

1. FIR No. 150 dated 28.10.2015 under Sections 452, 324, 323, 506, 120 and 148 IPC, Police Station Sangat.
2. FIR No. 167 dated 20.11.2016 under Section 25 of the Arms Act.
3. FIR No. 89 dated 07.05.2014 under Sections 452, 323, 148 and 149 IPC, Police Station Talwandi Sabo.

4. FIR No. 64 dated 17.03.2020 under Sections 307, 458, 506, 427, 148 and 149 IPC and Sections 25/27/54/59 of Arms Act, Police Station Talbandi Sabo.
5. FIR No. 428 dated 22.10.2020 under Sections 307, 452, 323, 148 and 149 IPC, Police Station SDR Mansa.
6. FIR No. 62 dated 05.04.2022 under Sections 22/61/85 of NDPS Act, Police Station Tabwandi Sabo.

4. Learned State counsel also relies upon the report prepared by the Medical Officer, Central Jail, Bathinda, which is as follows:-

“It is respectfully submitted that above said patient is suffering from pain and swelling in left leg since 2022. He is a known case of IV drug abuse. He used to inject mostly in his left leg. He is also suffering from HCV. He was sent to Civil Hospital Bathinda on 27/05/2023 and 21/06/2023. His Colour Doppler revealed Partial recanalization of (L) CFV and collateral channels are seen in Inguinal Region. He was referred to AIIMS Bathinda. He was referred on 07/06/2023, 20/06/2023, 21/06/2023, 04/08/2023, 22/08/2023, 06/09/2023. He is

being managed conservatively as per AIIMS consultation.

As for now the patient is on proper Hepatitis C medication.

He complains of Left Lower Limb swelling with numbness. However, there is no imminent danger to his life. He is here again being referred to GGSMCH Faridkot on 04/11/2023 for 06/11/2023 for further consultation and management.”

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

6. From the medical report prepared by the concerned doctor at Central Jail Bathinda, it is apparent that the petitioner has complained of left lower limb swelling with numbness. However, there is apparently no danger to his life. Even, from the said certificate, it is established that even for his minor ailments, the present petitioner has been taken to AIIMS Bathinda several times and has been provided the required and proper treatment from the doctors there.

7. Apart from that, the petitioner was found in possession of 1200 tablets of Alprazolam and 300 tablets of Tramadol and 5 grams of heroin and the recovery of the contraband falls within the ambit of “commercial quantity”, as per the Schedule appended to the NDPS

Act. Several criminal cases have been registered against him. Even otherwise, the petitioner applied for regular bail before this Court vide CRM M-38231 of 2023, which was heard by this Court and learned counsel for the petitioner had withdrawn the said petition after arguing the matter at length.

7. In view of the above discussion, there is no merit in the instant petition and the petition is ordered to be dismissed.

07.11.2023

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No