

CRM-M-1611-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1611-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Munim ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
101	12.04.2023	Uklana, District Hisar	20(b)(ii)C of NDPS Act 1985

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. Vide order dated 29.05.2024, petitioner was granted interim bail by Coordinate Bench of this Court and the said order reads as follows:-

“Status report by way of an affidavit of Vijay Pal, HPS, Deputy Superintendent of Police, Head quarter, Hisar has been filed along with the medical reports, which are taken on record, subject to all just exceptions. Copy thereof has been handed over to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that since the day, the petitioner was arrested, he is constantly under medical treatment and has to undergo a surgery of the gall-bladder and also that he is suffering from many co-morbidities such as high blood sugar, skin problems and asthma. In fact, an injury on his left leg is also not healing and hence, prays that the petitioner be granted the concession of interim bail on medical grounds for a period of six weeks.

In light of the above, the petitioner is granted the concession of interim bail and he shall be released on 03.06.2024 as he is already scheduled to visit the hospital tomorrow, subject to furnishing of bail bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate/trial Court concerned and shall surrender back to the jail authorities positively on or before 28.07.2024 before 05:00 P.M.

The petitioner is also directed to place on record the entire when medical

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treatment that he undergoes during the time to he is on bail and shall keep the jail authorities intimated about the progress being made in every 15 days.

Adjourned to 30.07.2024.”

3. In compliance to the order, the petitioner has filed an application CRM-30176-24, and para 3 of the application reads as follows:

“3. That the aforesaid order is necessary to place on record to adjudicate the present case. The history of 03.06.2024, 15.06.2024, 02.07.2024, 22.07.2024 and 24.07.2024 between tthe period of released on bail “in compliance of order dated 29.05.2024, is placing on record. Still the condition of applicant/petitioner serious in view of further advise surgery of left leg shown in photograph dated 23.07.2024 (Annexure P-7) as contoreted (Contorted) left popliteal region present, as earlier surgery was done at PGIMER Chandigarh, now situation may arise for amputation of left leg if blood sugar not controlled strictly, as per advised by General Physician of Civil Hospital at Hisar.”

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that the instant case was registered as the two co-accused namely Ajit alias Jitu son of Rampal and petitioner/accused Munim son of Gopi Ram were allegedly found having possession of 4 Kg. Charas on dated 12.04.2023 at Surewala Chowk, District Hisar on a motor cycle bearing registration No.HR- 32K/3345 by the police team headed by ASI Shakti Singh on the basis Mof a secret information. An amount of Rs 1.80 Lac was also recovered from the pocket of the jacket worn by co-accused Ajit alias Jitu and Rs.80,000/- were recovered from petitioner/accused Munim. Accordingly, the case FIR No. 101 dated 12.04.2023 under section 20(b)(ii)C and 27-A of NDPS Act was registered at Police Station Uklana, District Hisar.”

5. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator.

6. Given the above, this court considers it appropriate for humanitarians to grant him time to recoup and take care of his health and is inclined to grant him interim bail until 11 AM on 31-12-2024.

7. Given the above, there would be no justification for discontinuing the interim protection, which shall continue until 11 AM on 31 December 2024.

8. Liberty reserved to file fresh application after surrendering before the concerned

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jail and the interim bail shall not be extended, however, fresh petition for interim on medical grounds can be entertained. Liberty also reserved to file bail on merits after the surrender.

9. **Petition allowed** in terms mentioned above to the extent that the interim order shall continue only till 31-12-2024, by 11 AM, and not beyond. Petitioner is directed to surrender on 30.12.2024 or 31.12.2024 before 11 AM in the jail from where he was released. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.