

CRM-M-21515-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21515-2024

Decided on: 18.05.2024

Jasvir Kaur @ Jass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Abhilasha Kainth, Advocate for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
135	20.07.2023	City South, District Moga	21 & 22 of NDPS Act (Later on added 29 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 interim regular bail on medical grounds.
2. Counsel for the State has verified the health condition of the petitioner and submitted the report which is taken on record, which reads as under:-

“With reference to above cited subject and on the basis of medical assessment and perusal of her availed medical record, it is hereby submitted:- That the said inmate has medically assessed today and found to be medically stable with nothing to indicate any imminent risk to his health and life. That her current diagnosis is Diabetes mellitus type 2 not responding to oral medication and non-healing foot ulcer. Hence, she was prescribed injectable insulin few days back. That she is counseled to comply with prescribed treatment for management of her clinical symptoms.”
3. Petitioner’s counsel has referred to the jail record as per which, she is not responding to the oral medication. Counsel further refers to the photographs of petitioner’s foot (Annexure P-1) which shows some disease probably gangrene on her left foot. He further submits that considering the medical condition of the petitioner, she be given at least two months of interim bail.



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4. After carefully analysing the matter and considering the fact that this gangrene might lead to amputation of her foot, this court is of the considered opinion that the petitioner is entitled to the interim bail till 11.07.2024, and after surrendering on 11.07.2024, it shall be open for her 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 bail bonds/surety bonds 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.

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 she was released, on or**

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before 11.07.2024 by 5PM and handover the record to the jail Superintendent, from where she has taken treatment. This is to ensure that bail is not misused and petitioner does not take treatment and then come again on the same counts. It is further clarified that in case, petitioner seeks medical bail, she shall be permitted to file a fresh application by annexing all the medical record of her treatment from the date she was released on interim bail and upto her surrender in the jail. She shall not be permitted to file an application without surrender.

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.

This order shall come into force from the date of uploading of the order on website of this Court.

(ANOOP CHITKARA)
JUDGE

18.05.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.