



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-23266-2024

Date of Decision.:27.05.2024

Mukesh Dutt through its Daughter Komal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. read with Section 439 Cr.P.C., petitioner prays for grant of interim bail for a period of 8 weeks on account of his medical condition, in case FIR No.0215 dated 07.03.2009 under Section 20 of NDPS Act, 1985 registered at Police Station Panipat City, District Panipat.

2. Petitioner is alleged to have been found in possession of 04 Kg charas, which is four times the threshold of commercial category. He was allowed interim bail for a period of one month vide order dated 04.06.2019 passed by this Court in CRM-M-12720-2009 on the ground of sickness of his wife. The application moved by him for extension was declined with the direction to surrender. However, petitioner did not surrender and ultimately he was declared proclaimed offender on 27.01.2010. Petitioner remained absent for a long period of time until he was



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arrested on 20.02.2024.

3. Although the aforesaid facts and the conduct of the petitioner do not entitle him for grant of bail but petitioner is praying for grant of interim bail on account of his medical condition.

4. In compliance of the order dated 14.05.2024 of this Court, short reply by way of an affidavit of Shri Satish Kumar, HPS, Deputy Superintendent of Police, City, Panipat on behalf of respondent- State has been filed, accompanied by the report of the Metro Hospital, New Delhi and also the report dated 21.05.2024 of the Medical Officer, District Jail, Sonapat, which is as under:-

“Respected Sir,

Inmate Patient UT Mukesh S/o Sh. Tulsiram , Age 49 Years/Male, entered at District Jail Sonipat on 08.02.2024 and he was medically examined by Jail Medical Officer. At the time of entry in jail, he reported about Past History of HTN and RF to the Jail Medical Officer.

On 11.04.2024 inmate patient was admitted to Metro Hospital, Najafgarh, New Delhi. As per the case summary received from Metro Hospital, patient has been diagnosed with the following:

1. Ankylosis Spondylitis and Lower Back Pain
2. Pulmonary TB with Right Pleural Fluids
3. Hypertension
4. B/L bronchitis with respiratory distress
5. Rheumatoid Arthritis

Patient is undergoing relevant treatment for all the above mentioned causes and as per the records from Metro Hospital, condition of patient is still not stable and he needs continuous treatment and monitoring hence, it will not be advisable to treat this patient at Jail Hospital.

Photocopies of his treatment records from Metro Hospital are attached herewith.



This is for your kind perusal please.”

5. It is clear from the aforesaid report of the Medical Officer, District Jail, Sonapat that on account of the various ailments suffered by the petitioner, it is not advisable to treat him at the Jail Hospital and that he needs continuous treatment and monitoring.

6. Having regard to all the aforesaid facts and circumstances, present petition is allowed.

7. Petitioner is admitted to interim bail for a period of 02 months, to be effective from the date of his actual release on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate, concerned. It is directed that surety should own immovable property at least worth the bond amount. The Trial Court/the Court of Chief Judicial Magistrate, before whom bonds are furnished, shall be at liberty to impose such reasonable conditions for the release of the petitioner on interim bail, as are required to secure his presence.

8. Trial Court/Chief Judicial Magistrate shall also be at liberty to get the property of the surety as well as address to be provided by the petitioner in his bonds to be duly verified.

(DEEPAK GUPTA)
JUDGE

May 27, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No