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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2286/2024**

GURPREET SINGH

.....Petitioner

Through: **Ms. Ayushi Gaur, Adv. Thru VC**

versus

THE STATE NCT OF DELHI

.....Respondent

Through: **Mr. Aman Usman, APP for the State
SI Sandeep Kumar, PS Sp. Cell,
Lodhi Colony**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **05.07.2024**

CRL.M.A. 19348/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 2286/2024

1. This application is filed seeking interim bail for getting medical treatment for petitioner. Petitioner is incarcerated since 6th July 2021, in FIR 172/2021 PS Special Cell under Sections 21/25/29 NDPS Act.
2. The medical status report of petitioner dated 3rd June 2024 states that he has been reviewed in Plastic Surgery Department at Safdarjung on 5th May 2024, and 16th May 2024 wherein he was provided a date of admission on 27th June 2024 and surgery on 28th June 2024, however, petitioner chose not to comply with said appointment, as he seeks to get his treatment done from one Lajwanti Hospital in Jalandhar, Punjab.



3. Trial court passed order on 21st June 2024, noting this aspect as well and therefore rejected interim bail application.
4. APP for the State has drawn attention of this Court to a decision of Division Bench of this Court in **Athar Parvez v. State**, 2016 SCC OnLine Del 6662, wherein in particular in para 23(2) the Court has observed that while rejecting or accepting an application for grant of 'interim bail', the Courts may keep in mind the strict provisions of Section 37/32A of the NDPS Act and only when there are compelling reasons that justify grant of interim bail, the application be allowed.
5. In the opinion of this Court, there cannot be a reason for petitioner to reject treatment which is scheduled at Safdarjung Hospital, which is a premium institute extending multispecialty facilities, where petitioner can possibly get the best treatment, rather than get treatment from a local hospital in Jalandhar.
6. The petition is accordingly dismissed with these observations.
7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 5, 2024/sm