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

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CRM-M-2935-2025 (O&M)
Date of decision: 31.01.2025

Pawan**...Petitioner**

Versus

State of Haryana and another**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of interim bail to the petitioner in FIR No. 176 dated 18.07.2023, registered under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Ding, District Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 18.07.2023, the petitioner along with co-accused Ramniwas @ Sonu and Pradeep, while travelling in a vehicle bearing registration number HR-55-XX-7868, was apprehended by the police party and recovery of 73 kgs. of poppy husk was effected from the said vehicle. All of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was

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presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of interim bail before the learned trial Court but the same had been dismissed, vide order dated 09.01.2025.

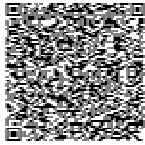
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is suffering from multiple diseases and has been taking treatment from PGIMS, Rohtak but there is no improvement in his health condition. He needs specialized medical attention for his well being, which is not possible for him while in custody. It is, therefore, urged that the petitioner be released on interim bail for a period of two months.

4. Short reply by way of affidavit of the Superintendent, District Prison, Sirsa has been filed. It is submitted therein and learned Deputy Advocate General, Haryana has argued that the petitioner is being provided due medical treatment for his diseases. He is known case of diabetes but his condition is stable. It is, thus, urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. The petitioner has been booked in the aforesaid case with the allegations that he along with above named two co-accused was apprehended on 18.07.2023 while coming in the said vehicle and recovery of 73 kgs of poppy husk was effected. The petitioner and co-accused are facing trial. The petitioner, by way of filing the present petition, is seeking interim bail for a period of two months on medical grounds. Medical status report has been received and a perusal of the same shows that he has been taking

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medical treatment for his multiple diseases. He is stated to be a known case of uncontrolled blood sugar with type 1DM diabetic neuropathy. His weight has fallen down and presently, he weighs only 38.6 kgs. Keeping in view his deteriorating health condition, it is apparent that he needs specialized medical attention, which is obviously not possible while in custody. In view thereof, the present petition is allowed. The petitioner is directed to be released on interim bail till 03.04.2025 subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate. The petitioner shall surrender before the jail authorities on 04.04.2025 by 05:00 PM without fail. The petitioner shall not indulge in any kind of criminal activity while on interim bail, otherwise, it will be open for the prosecution to apply for cancellation of interim bail.

31.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No