

2025:PHHC:069913



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

222

CRM-M-15490-2025 (O&M)
Date of decision: 23.05.2025

Kaluram Patidar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail to him on medical grounds in case bearing FIR No. 85 dated 02.03.2010, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Thanesar, District Kurukshetra. The first petition, bearing number **CRM-M-39726-2024**, was dismissed by this Court on 03.12.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 02.03.2010, a secret information was received by a police party headed by SI Dayal Chand that one Amrik Singh was bringing poppy husk from Madhya Pradesh through a truck bearing registration number PB-23-F-8791, on which, he had kept two persons, namely Satbir, Krishan Kumar as servants. Believing the information to be reliable, barricading was done at the informed place and the aforesaid truck was stopped. On conducting search of the

2025:PHHC:069913



truck, recovery of 25 quintals and 52 kgs. of poppy husk was effected. Co-accused Amrik Singh, Satbir and Krishan Kumar were formally arrested at the spot. During the course of investigation, co-accused Amrik Singh disclosed that they were illegal business of selling poppy along with the present petitioner and one Goverdhan Ratdadia Patidar. On the basis of the same, the petitioner was nominated as an accused in the present case. However, the petitioner and co-accused Goverdhan Ratdadia Patidar could not be arrested and were declared proclaimed offenders. The petitioner has been arrested in the present case only on 24.05.2024 by way of production warrant as he was in custody in connection with a case bearing FIR No. 215 of 2013, registered against him under Sections 420, 467, 468, 471, 120-B, 406, 294, 506 and 419 of IPC and Sections 3(2)(v) of the SC/ST Act at Police Station Nailkhera, District Agara, Madhya Pradesh. After completion of investigation qua him, *challan* has been presented in the Court and charges have been framed. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 08.08.2024. Thereafter, the petitioner had been granted concession of interim bail on medical from time to time. He had surrendered back on 05.11.2024 and since then he is in custody.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. The petitioner is an aged person and is suffering from neurological diseases and diabetes. He had even suffered a partial paralysis on 15.07.2024. He was taken to PGIMER, Chandigarh with the complaint of weakness in left side of his body. The petitioner had been taken to medical

2025:PHHC:069913



consultant for more than hundred times while in custody as he was not maintaining good health. The medical condition of the petitioner is still not improved and he needs specialized medical attention for his well being. Even otherwise, investigation qua him has since been completed and challan has been filed. There are total 37 cited prosecution witnesses but none has been examined so far, which shows that the trial is likely to take in its conclusion. The petitioner has undergone more than 08 months custody as under-trial. No useful purpose would be served by keeping him in custody anymore, especially keeping in view his deteriorating medical condition. His custodial interrogation is no more required. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail. He was involved in illegal business of selling poppy husk along with co-accused. A huge recovery of 25 quintals and 52 kgs. of poppy husk was recovered in this case. The above named co-accused, namely Amrik Singh, Satbir and Krishan Kumar had been convicted in this case for a period of 10 years. Although the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in the subject crime has been duly established. It was found that there was a transaction of Rs. 2 Lakhs between the petitioner and co-accused Amrik Singh, vide Annexure R-1, which is the copy of bank statement of the petitioner. The petitioner had been absconding for a period of about 14 years and had been declared a proclaimed offender. He had been arrested only on 24.05.2024. If he is released on bail, he can again abscond. So far as the medical condition of the petitioner is

2025:PHHC:069913



concerned, as per medical status report sought from the Medical Officer, District Jail, Kurukshetra, the petitioner is conscious/oriented and medically stable. He is under treatment of Govt. LNJP Hospital, Kurukshetra. Hence, no case is made out for grant of bail on medical grounds. Accordingly, dismissal of the petition is prayed for.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the disclosure of co-accused Amrik Singh, who along with co-accused Satbir and Krishan Kumar, was apprehended by the police party on 02.03.2010 and recovery of 25 quintals and 52 kgs. of poppy husk was effected from the aforesaid truck. However, the petitioner had been absconding and had been declared a proclaimed offender. He could be arrested only on 24.05.2024, that too by way of production warrant when he was in custody in connection with aforesaid case registered against him in Madhya Pradesh. In the meantime, all the three co-accused faced trial and had been convicted for 10 years. The previous petition of the petitioner had been dismissed by this Court only on 03.12.2024. Within a period of three months, he has moved this petition. He is seeking bail on medical grounds by setting up a claim that he is not maintaining good health as he is suffering from some neuro related disease and diabetes. He is also stated to have suffered a partial paralysis. The opinion of the jail doctor with regard to health condition of the petitioner was sought, as per which, the petitioner is stated to be in stable condition. He is being provided due medical care from Govt. LNJP Hospital, Kurukshetra. Hence, no ground for grant of bail on medical grounds is made out. Apart from this, since the petitioner had been absconding for over a period of 14 years, the

2025:PHHC:069913



chances of his absconding again cannot be ruled out in case he is released on bail. The trial has commenced and is going on at a proper pace. The same may be expedited. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

23.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No