



222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42041-2024(O&M)

Date of Decision: 29.01.2025

Balwinder Singh alias Babbu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Abdul Aziz, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)**CRM-34203-2024**

1. Application is allowed as prayed for subject to all just exceptions.

CRM-M-42041-2024

1. The petitioner has filed the second petition under Section 439 of the Cr.P.C. with a prayer to grant interim regular bail to him in case FIR No.226 dated 23.09.2022 registered under Sections 22(c), 21(b), 25, 27 of NDPS Act, 1985, at Police Station STF Phase-4, Mohali, District Mohali, as he is not maintaining good health.

2. Learned counsel for the petitioner contends that the petitioner is suffering from Hepatitis C and has pain and swelling over the left lower limb. He further contends that the petitioner was taken to AIIMS Bathinda on 07.06.2023, 20.06.2023, 21.06.2023, 04.08.2023 and 22.08.2023. Now again he has been repeatedly referred to Bathinda for further treatment and management. Learned counsel for the petitioner further contends that the



petitioner has to be examined by Vascular Surgeon at some higher institute and has also to undergo a surgery. Thus, the petitioner may be granted the concession of interim regular bail for a period of four weeks to him.

3. In compliance of interim order dated 04.12.2024 passed by this Court, short reply by way of an affidavit of Central Jail, Bathinda has been filed before this Court. Alongwith the reply, a report prepared by the Medical Officer of Central Jail, Bathinda has also been annexed and the relevant extract of the said report is as follows:-

“He complains of on and off pain abdomen for which he is provided treatment from Jail Hospital Bathinda. He was referred to Civil Hospital Bathinda for 12/02/2024, 13/02/2024, 15/02/2024, 16/02/2024, 17/02/2024, 21/02/2024, 01/03/2024, 11/03/2024 and 16/03/2024. On 16/03/2024 he was examined by General Surgeon and was advised USG abdomen. His USG revealed bilateral renal calculi with hydronephrosis and he was advised consultation from AIIMS Bathinda for urology consultation. Hence, he was referred to AIIMS Bathinda for 19/03/2024, 21/03/2024, 27/03/2024, 01/04/2024, 03/04/2024, 18/04/2024, 22/04/2024, 24/04/2024, 25/04/2024, 29/04/2024, 01/05/2024, 04/05/2024 but his referral was missed on these dates. On 07/05/2024 patient was referred to AIIMS Bathinda, but he was taken back to jail without any treatment. He was referred again on 14/05/2024, 16/05/2024, 17/05/2024, 18/05/2024, 20/05/2024, 22/05/2024, 27/05/2024 and 30/05/2024 but his referral was missed on these dates.

He was again referred to AIIMS Bathinda for 05/06/2024 where he was seen by urologist and advised further investigation and treatment. He was again referred for further investigation to AIIMS Bathinda for 14/06/2024, 17/06/2024 but his guard was missed on these dates. He was again referred for



22/06/2024 where he was again seen by urologist at AIIMS Bathinda and advised treatment and further investigation. Patient was again referred for further investigation for 26/06/2024, 04/07/2024, 06/07/2024, 11/07/2024, 16/07/2024, 20/07/2024, 24/07/2024 but his referral was missed for these dates. He was again referred for 29/07/2024 where he was seen by urologist and again advised investigation and given treatment. Patient was again referred for the advised investigation for 01/08/2024, 05/08/2024 but his guard was missed on these dates. He was again referred for investigation for 10/08/2024 but he came back to jail without any investigations. He is clinically stable and is taking treatment from Jail Hospital Bathinda as and when required by him and is again referred for investigation for 20/08/2024 and 23/08/2024 but his police guard was missed for these dates. So, he was again referred to AIIMS Bathinda for 28/08/2024 where he was examined by urologist who advised him CT urography investigation and advised him medicines. So, he was referred again to AIIMS Bathinda • for 02/09/2024, 03/09/2024 and 05/09/2024 for CT urography but his police guard was missed for these dates. So, he was referred again to AIIMS Bathinda for 06/09/2024 where after his check up, he has been given appointment date for CT urography for 12/09/2024. He was advised to continue his medicine as advised from AIIMS Bathinda. On 12/09/2024 he was referred to AIIMS Bathinda where his CT urography was done. He was referred to AIIMS Bathinda for 20/09/2024 where he was examined by urologist who prescribed oral medicines and planned for PCNL (Percutaneous nephrolithotomy). He was referred to AIIMS Bathinda for 26/09/2024, 28/09/2024, 08/10/2024, 10/10/2024, 22/10/2024, 24/10/2024 but his police guard was missed on these dates. On 05/11/2024 patient was again referred to AIIMS Bathinda where he was examined by urologist and advised for PAC (Pre anaesthetic check-up) fitness for PCNL. Anaesthesiologist examined patient for PAC (Pre anaesthetic check-up) and advised Blood



investigation (CBC, KFT, LFT, PT/INR, S.E, V.M), chest X-ray, ECG and lower limb venous doppler USG. ECG and chest X-ray were done on same day (05/11/2024) at AIIMS Bathinda and appointment date has been given for USG venous doppler for 21/11/2024 at 08:00AM.

Patient was referred for 25/11/2024 at AIIMS Bathinda where he was examined by urologist and note was given by the Doctor that PAC was getting delayed because coloured doppler was not conducted on the date given by the Radiology department. On 05/12/2024 patient was again referred to AIIMS Bathinda where USG scrotum and USG (L) LI doppler were done (report attached). Patient was examined by Doctor of Surgery and Psychiatry and oral medication was prescribed for one month. Patient was again referred to urology department on 06/12/2024 as per Hon'ble High Court orders. Patient was examined by the surgeon who referred him to urology department. Patient was again referred to AIIMS Bathinda for 07/12/2024 and was examined by urologist and general surgeon who prescribed oral medication for 7 days and time slot for USG doppler was given for 12/12/2024 but his referral was missed by Police authorities on this date. Patient was referred again for 18/12/2024 but referral was missed by police authority on this date. Patient was referred to AIIMS Bathinda for 13/01/2025 where he was examined by urologist who prescribed him oral medication & advised to follow general surgery advice. PAC (Pre anaesthetic check-up) was done on 13/01/2025 and fitness has been given for PCNL by Anaesthesiologist. Patient's name has been entered in OT (operation theatre) waiting list. Patient was referred to AIMS Bathinda for 27/01/2025 where he was examined by the Doctor who prescribed him oral medication for one month & his name was entered in OT (Operation theatre) register for left PCNL (Percutaneous nephrolithotomy).”



4. Learned State counsel submits that the name of the petitioner has been entered in the OT (Operation Theatre) waiting list for the left PCNL (Percutaneous nephrolithotomy).

5. I have heard the submissions made by learned counsel for the parties and perused the record.

6. From the record, it is apparent that the present petitioner has been repeatedly taken to AIIMS Bathinda and other hospitals for treatment. However, he has to undergo a surgery and his name has been entered in the OT registered for the said purpose.

7. Thus, keeping in view the medical record of the petitioner, the present petition is allowed and the petitioner is ordered to be released on interim regular bail for a period of four weeks, subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned. The concerned Court may insist on two heavy local sureties in the present case.

6. The petitioner shall be released from the jail at 10.00 am on 31.01.2025. He is directed to surrender before the jail authorities at 5.00 p.m. on 28.02.2025.

29.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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