

2026:PHHC:055729



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

222

CRM-M-11750-2026 (O&M)
Date of decision: 09.04.2026

Abdul Shah @ Happy Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. L. S. Sekhon, Advocate for
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

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 for a period of two months on medical grounds to the petitioner in case arising out of FIR No. 33 dated 01.03.2025, registered under Sections 15, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patran, District Patiala.

2. It is argued by learned counsel for the petitioner that he has been arraigned as an accused in the aforementioned FIR and is presently lodged in Jail. After his arrest, the petitioner and co-accused were mercilessly beaten by the then SHO Jaspal Sharma, who is now under suspension. The petitioner had sustained injury on his spine, due to which, he had been suffering from constant backache. His condition is very bad and needs high support even for his daily needs. He was admitted in Rajindra Hospital, Patiala till 16.02.2026 but his condition did not

2026:PHHC:055729



improve. He has been getting treatment from jail hospital but his condition is getting deteriorating day by day. He needs specialized medical care as well as personal care, which is not possible in custody. No prejudice shall be cause to anyone, if the petitioner is released on interim bail for a limited period for the said purpose. Hence, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of interim bail.

3. Medical status report of the petitioner has been filed. Learned State counsel has submitted that on the direction of learned trial Court, the petitioner was to be taken to Sobti Neuro and Super Specialty Hospital, Ludhiana for his treatment but he himself had denied to the same by saying that he could not bear the expenses of police escort. It is further submitted that the petitioner is being provided due medical care in the jail hospital and he is stable. It is, thus, argued that the petition is liable to be dismissed.

4. This Court has heard the rival submissions.

5. The petitioner seeks interim bail for a period of two months on medical grounds in the aforementioned case. The primary ground urged is that the petitioner is suffering from some spinal problems and that his condition is deteriorating in custody. However, as per the medical status report, the petitioner is presently receiving due medical care in jail hospital. It is also significant to note that he had denied his treatment in Sobti Neuro and Super Specialty Hospital, Ludhiana by saying that he could not bear the expenses of police escort. Moreso, there is nothing on record to show that his condition is worsening which requires his urgent release on interim bail. Rather, as per learned State counsel, his condition is stable. The mere existence of an ailment, when adequate medical treatment is being provided by the State, does not ipso facto entitle an accused to

2026:PHHC:055729



the concession of interim bail. In view thereof, this Court does not find any exceptional circumstance warranting grant of interim bail for the period prayed for. Accordingly, the petition is dismissed.

09.04.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>