

(2010) 11 P&H CK 0480

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-14059 of 2010

Kulwant Singh

APPELLANT

Vs

State of U.T. and Another

RESPONDENT

Date of Decision: Nov. 25, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 15, 18

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Judgement

Jaswant Singh, J.

Present petition u/s 439 Cr.PC is for extension of interim bail to the Petitioner-Kulwant Singh on medical grounds who is facing trial in case bearing FIR No. 347 dated 16.7.2009 under Sections 15 & 18 of the Narcotics Drugs and Psychotropic Substances Act registered with Police Station Sector 34, Chandigarh.

2. The Petitioner was arrested on 16.7.2009 at the spot when his car was intercepted and he was found in possession of one quintal of Poppy Husk and 125 gms of Opium.

3. Subsequently the Petitioner filed Criminal Misc. No. M 2578 of 2010 before this Court praying for interim bail on medical grounds for a period of two months on account of surgery for hip replacement.

4. This Court vide order dated 5.3.2010 accepted the prayer and granted the Petitioner interim bail for two months.

5. Thereafter the Petitioner-accused filed the present miscellaneous application No. 14059 seeking extension of interim bail on account of recovery from the surgery of hip replacement conducted at Guru Nanak Dev Hospital, Amritsar. Vide order dated 12.5.2010 the interim bail was extended and thereafter the same was repeatedly

extended on the ground of post operative care needed by the Petitioner for his recovery. On 29.9.2010 the interim bail was extended till 10.11.2010 with the clear understanding that in case any further extension is sought, the same had to be accompanied by an opinion of board of doctors from the Orthopedics Department of PGI, Chandigarh.

6. On 10.11.2010 learned Counsel for the Petitioner has prayed for further extension on basis that PGI vide order dated 8.11.2010 has constituted a board of doctors for his examination. He further prays for a weeks time for getting the opinion of the board of doctors. It was further submitted that case is listed for recording of prosecution evidence on 9th December 2010 before the learned trial court and the present petition was adjourned to 16.11.2010.

7. On 16.11.2010 learned Counsel for the Petitioners submits that in compliance of order dated 10.11.2010 Petitioner was asked by the PGI authorities to present himself before the board of doctors for his examination on 15.11.2010 and accordingly Petitioner presented himself before the board of doctors on 15.11.2010 and was examined and thereafter case was adjourned to 22.11.2010 to await the opinion of board of doctors from PGI.

8. On 22.11.2010 as per report of registry the report/opinion of board of doctors from PGI who had examined the Petitioner had not been received and Sub Inspector Surinder Kumar, Crime Cell, Sector 26, Chandigarh was directed to contact the PGI authorities and collect the aforesaid opinion under sealed cover to be submitted in the registry of this Court.

9. At the time of hearing today photocopy of report of board of doctors from PGI, Chandigarh accompanied by forwarding letter dated 23.11.2010 has been placed on record which reveals that Petitioner was examined by the board of doctors at PGI on 15.11.2010 at 4.00 PM and as per their report Petitioner is able to manage his day to day activities and complete recovery will take time depending upon the physical rehabilitation of the Petitioner.

10. In view of the aforesaid report/opinion received from the board of doctors from PGI, no further extension of interim bail to the Petitioner-undertrial is required. Accordingly, it is directed that Petitioner shall surrender before Superintendent Model Jail, Burail, Chandigarh at 12.00 noon tomorrow.

11. Disposed of.