

IA 13/25 SC 6/22
FIR No. 172/21
PS Special Cell
STATE V RIZWAN AHMED AND ORS.

18.11.2025
at 04.00 pm.

Present: Sh. Akhand Partap Singh, Ld. SPP for the State
(through VC)
Ms. Sushma Sharma, Ld. counsel for
applicant/accused Gurpreet Singh.
IO SI Sandeep Kumar in person.

Vide my separate order of even date, the present
application is allowed and disposed off accordingly.

Copy of the order be given *dasti* as well as be sent to
jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
18.11.2025

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ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Gurpreet Singh seeking interim bail on humanitarian grounds of ill health. Reply/verification report filed by the IO.

2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that the applicant/accused has been unwell for quiet some time and time and again he has been advised to undergo surgery, however, due to his medical condition, the surgical clearance has not been given. The applicant/accused had earlier filed an application seeking grant of interim bail on similar grounds, however, the same was dismissed by this Court vide order dated 04.06.2025, since, the medical board had opined that the applicant/accused did not require any emergent treatment, medical or surgical, outside the jail. After that, the applicant/accused moved the Hon'ble High Court of Delhi seeking similar relief, however, the

same was dismissed vide order dated 16.07.2025 on the similar grounds of no emergent treatment, medical or surgical, outside the jail was required at that time.

4. It is submitted by Ld. Counsel for applicant/accused that after passing of the aforementioned orders, the situation had changed for the worse and the applicant/accused had sought directions from this Court seeking filing of the detailed medical status report. The said application was allowed and vide detailed report dated 25.10.2025, it was confirmed by the concerned Medical Officer Incharge, Central Jail Hospital that the applicant/accused was planned for injection sclerotherapy and haemorrhoidectomy surgery, however, since he was not given clearance for surgery owing to repeated exacerbation of bronchial asthma, therefore, the clearance from the anesthesia department could not be obtained. The applicant/accused is also suffering from anaemia associated with bleeding per rectum in spite of compliance to the treatment advised by his treating doctors. If the applicant/accused is not granted interim bail and he is not given proper medical attention at a private hospital, there is a serious risk to his life and safety.

5. It has been submitted by the Ld. Counsel for the applicant/accused that the applicant/accused is ready to abide with any condition that this court may impose upon him. There is no previous involvement of the applicant/accused in any other case and he has absolutely clean antecedents.

6. Per contra, it is submitted by the Ld. SPP for the State duly

assisted by the IO that from the car of applicant/accused, huge quantity of heroin i.e. 168.5 kg (commercial quantity) was recovered in the present case and thereafter, from his room at his instance and at the instance of co-accused further recovery of 71 kg of heroin was effected. He is the kingpin of the drug syndicate and there is an apprehension that he may re-indulge in the trafficking if granted interim bail and he may also try to influence the prosecution witnesses and he may abscond and flee away from the hands of justice. He is receiving all the necessary treatment and attention by the reputed doctors of the government hospital while being in custody. The bar of Section 37 is fully applicable, even in the cases of interim bail. Therefore, the State is strongly opposing the present application.

7. The medical status report of the applicant/accused was called. The detailed report dated 25.10.2025 was filed by the concerned Jail Superintendent and same has confirmed the medical condition of the accused. The relevant portion of the said report is reproduced below:

“The aforementioned inmate/patient was referred to Safdarjung Hospital on 01.05.2025 along with order and all medical records for constitution of medical board, which was conducted on 27.05.2025. The report of medical board was submitted to the Hon'ble court by Safdarjung Hospital.

Thereafter, inmate/patient was reviewed in Pulmonary, Critical care and sleep department of Safdarjung Hospital on 06.06.2025, 01.08.2025, 04.10.2025 and 11.10.2025 as a follow-up case of Bronchial Asthma with complaints of breathlessness. He was advised treatment

accordingly on all the visits; however fitness for surgery has not been given, till date.

Inmate/patient was reviewed in Surgery department of DDU Hospital on 24.06.2025, 08.07.2025 and 19.07.2025 for complaints of bleeding per rectum. On Proctoscopy examination, grade-II internal and external hemorrhoids at 1, 5 & 11 Q' clock position was found. He was planned for Haemorrhoidectomy (surgery), for which he was advised Gastroenterology opinion and Pulmonology clearance for surgery.

Accordingly, he was referred to Gastroenterology department of G.B. Pant Hospital in view of Hepatitis C positive status, wherein he was advised blood investigations, Ultrasound whole abdomen and Fibroscan. His blood investigations were done from jail hospital, his Fibroscan was done on 29.08.2025 and Ultrasound was done on 18.09.2025 from G.B. Pant Hospital.

Inmate/patient was again reviewed in Gastroenterology department of G.B. Pant Hospital on 24.09.2025 with all investigation reports and was advised medications for two months.

Thereafter, inmate/patient was reviewed in Surgery department of DDU Hospital on 16.10.2025 and 23.10.2025, wherein he was examined and advised medications and planned for injection Sclerotherapy (once bleeding stops) and Haemorrhoidectomy (surgery).

It is pertinent to mention that patient has not received clearance for surgery from Pulmonology department in view of repeated exacerbation of bronchial

asthma; hence anaesthesia clearance has also not been given till date. He is also being belittled by fellow inmates as he is suffering from Gynaecomastia (enlargement of breast tissue).

At present, inmate/patient is also suffering from acute exacerbation of bronchial asthma (on & off) with anaemia associated with bleeding per rectum in spite of compliance to treatment advised by his treating doctors.”

8. After considering the rival contention of the parties, considering the facts & circumstances of the present case, since the medical documents have been duly verified and this Court has perused his medical records, wherein he has been referred to the surgery department for multiple occasions and his surgery could not be conducted for the last 14 months and his condition is not improving and merely because the applicant/accused is involved in a case of commercial quantity, does not entail that his interim bail application can not be entertained. The reliance is placed on the decision of the Hon’ble High Court of Delhi in “**Athar Pervez Vs. State**”, Crl. Ref. No. 1/2015. The applicant/accused has been able to satisfy compelling circumstances and grounds, even though regular bail would not be justified at this stage. Therefore, in the considered opinion of this court, the present applicant/accused has made out his case for grant of interim bail for a period of 03 months from the day he is released, on following conditions :-

(i) On furnishing of personal bond of Rs. 1,00,000/-with two local sureties of the like amount, to the satisfaction of this Court/the link Court/duty JMFC.

(ii) He shall not leave the country without the permission of this Court and shall deposit the passport, if not done already. The IO shall be at liberty to get the LOC opened against the applicant/accused, so as to prevent any chance of him leaving the country while being on interim bail.

(iii) He shall not try to tamper the evidence or hamper the trial or try to influence the remaining witnesses, in any manner.

(iv) He shall furnish his present and permanent address with supporting documents along with an affidavit/undertaking to inform any change thereof without delay to the IO concerned.

(v) He shall duly surrender before the concerned jail authorities, before the expiry of the interim bail period and he shall duly attend the trial without any single default.

9. Copy of this order be sent to concerned Jail Superintendent for necessary intimation.

10. Application is disposed off accordingly.

11. A copy of this order be given *dasti* to all concerned parties.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
18.11.2025