

FIR No. 63/2015
PS Special Cell
State vs. Harjinder Singh and others

6/4/2017

Present: Sh. R.K. Bhati, Ld. APP for the State.

Ld. Defence counsel Sh. Manu Prabhakar for
applicant/accused Harjinder Singh

This is an application on behalf of the applicant/accused for
extension of interim bail

Applicant/accused Harjinder Singh was granted interim bail
by my Ld. Predecessor vide order dated 7/2/2017 on the ground of surgery
of his wife and was directed to surrender today. It is stated by the Ld.
Counsel of the applicant/accused that wife of the accused has recovered,
however on 30/3/2017 the accused himself has suffered intense pain in his
stomach. He went for scan of the abdomen next date i.e. on 31/3/2017 and
it was revealed that he was having echogenic focus (stone) of size 9.7 mm
in Gall Bladder and that the accused has been advised cholecystectomy i.e.
surgical removal of the gall bladder on urgent basis within a week and the
surgery has been scheduled to be performed on 7/4/2017. Hence, the
interim bail has been sought to be extended for two months.

Ld. Addl. PP for the State has submitted that neither copy of
the application has been supplied to the prosecution nor any verification
report has been received through the IO.

Ld. Counsel for the accused has annexed one Diagnostic
Ultrasound Scan report and one prescription slip both from private clinics
in support of the contention raised.

The accused is in JC in the matter since 18/11/2015. No such complaint of abdomen pain was ever raised by him. The family members of the applicant/accused can take appointment from any competent doctor/hospital of their choice in Delhi/NCR and the applicant/accused can be produced in custody there for the purpose of treatment and he can also be got admitted there, if need arises. The court can pass all the orders which are just to facilitate him to be operated upon in a private hospital of his choice. Looking at the overall circumstances, the seriousness of the case and the recovery from the accused, the reason mentioned in the application would not be in itself exceptional or extraordinary circumstance to release the applicant/ accused on interim bail.

In view of the above, this application seeking extension of interim bail on the ground asked for has no merit and the same is dismissed. Accused is directed to surrender before the Superintendent, jail. Dasti.

(Sudesh Kumar II)
Special Judge/NDPS
New Delhi 06/04/2017

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PS Special Cell
State vs. Harjinder Singh and others

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Present: Sh. R.K. Bhati, Ld. APP for the State.

Ld. Defence counsel Sh. S.K. Santoshi for applicant/accused
Mohd. Akhtar

This is an application on behalf of the applicant/accused for extension of interim bail

The applicant/accused was granted interim bail on 17/10/2017 on the ground that accused was suffering from acute pain in the abdomen because of stone in his gall bladder and doctor have advised him surgery for the removal of said stone. However, subsequently his interim bail was again extended on 24/12/2016 on the ground that his minor daughter has met with an accident and was severely injured. Again his bail was extended on two more occasions on the ground that his wife was having some medical problem in her uterus and was to undergo surgery. The interim bail of the accused was extended again on 16/3/2017 so as to get his wife proper treatment. However due to certain internal problem in the abdomen as she was bleeding profusely she was again admitted to hospital.

As per the verification report filed by the IO wife of the accused was diagnosed with endometrial polyp and operated on 10/3/2017 after blood transfusion. Doctor further stated that on review on 1/4/2017 patient was very weak with low hemoglobin. The patient was again admitted on 1/4/2017 and she was discharged on 3/4/2017. Doctor further stated that as patient is anemic she may require blood transfusion.

The IO however has further reported that the applicant/accused is a habitual supplier who is regularly indulging in supply of narcotic drugs for more than 10 years. He is previously arrested in a number of cases. In FIR No. 38/06 accused Mohd. Akhtar was convicted. In the present case accused Mohd. Akhtar has already been granted interim bail on the ground of his illness then subsequently on the ground of illness of his daughter and then for treatment of his wife. It seems that the interim bail has been extended again and again on one pretext or other. Ld. Addl. PP for the State has also vehemently argued that in case interim bail was granted in a way it seems like a regular bail than the provision u/s 37 of NDPS Act stands defeated. Looking at the overall circumstances, the seriousness of the case and the recovery from the accused, the reason mentioned in the application would not be in itself exceptional or extraordinary circumstance to release the applicant/ accused on interim bail.

In view of the above, this application seeking extension of interim bail on the ground asked for has no merit and the same is dismissed. Accused is directed to surrender before the Superintendent, jail. Dasti.

(Sudesh Kumar II)
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New Delhi 6/04/2017