

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

**Criminal Misc.No.M-16163 of 2015
Date of Decision: May 29, 2015**

Virender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Surender Deswal, Advocate,
for the petitioner.

Mr.Ram Tilak Redhu, DAG, Haryana.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Virender, who has been booked for having committed the offence punishable under Section 302 read with Section 34, IPC, in a case arising out of FIR No.112, dated 07.02.2014, registered at Police Station, City, Jind.

Learned counsel contends that he would confine his prayer for interim bail only since the earlier two petitions filed by the petitioner for grant of bail were dismissed as withdrawn at those stages. He further contends that initially, the petitioner was confined at District Jail, Jind, but due to his ill-health, he was shifted to District Jail at Rohtak. At present, the petitioner is

suffering from schizophrenia as well as the acute skin disease. He further points out that on 25.05.2015, the learned counsel for the State was directed to place on record the latest medical report of the petitioner and in response thereof, the affidavit of Dr.Harish Kumar, Superintendent of Prison, District Prison, Jind, along with medical treatment papers Annexures A to H and A-1 to H-1 have been placed on record. The Medical Board constituted had opined that the petitioner is suffering from bipolar affective disorder current episode mania. The patient is advised to take regular medicines and do regular follow up in Psychiatry OPD. Learned counsel further pointed out that the petitioner was arrested on 14.03.2014 and thereafter, the charges were framed on 15.07.2015, the prosecution has been able to examine only two witnesses out of 17. The trial would take sufficient long time and if the petitioner is not granted ad-interim bail to take proper treatment then it would be fatal for his life.

Learned counsel for the State has filed the affidavit of the Superintendent of Prison, Jind, along with Annexures which is taken on record.

Learned counsel for the State has not disputed the facts narrated by learned counsel for the petitioner. However, he submits that the petitioner has been charge-sheeted under

Section 302 read with Section 34, IPC, therefore, he should not be granted ad-interim bail. He also points out that the medicines required by the petitioner are being administered to him as per medical advice.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

The charge-sheet (report under Section 173, Cr.P.C.) was presented for the offence punishable under Section 304 read with Section 34, IPC but at the time of consideration of the charge, the petitioner was charged for the offence punishable under Section 302 read with Section 34, IPC. Without going into the merits of the case but keeping in view the ill-health of the petitioner, he can be ordered to be released on ad-interim bail for a period of 45 days so that he might take proper treatment from the expert doctors and his family members may take his proper care.

In view of the above, it is directed that the petitioner be released on ad-interim bail from 01.06.2015 till 15.07.2015 (both days inclusive) subject to his furnishing bond in the sum of Rs.1,00,000/- (Rupees One lac) with two sureties in the like amount to the satisfaction of learned trial court. The petitioner shall surrender before learned trial court on 16.07.2015 at 10:00

a.m. The petitioner shall not in any manner try to win over the witnesses. Learned counsel for the State submits that the petitioner be directed to surrender his passport if any. Learned counsel for the petitioner has pointed out that the petitioner does not possess the passport.

Disposed of.

May 29, 2015
seema

(Naresh Kumar Sanghi)
Judge