

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

**Crl. Misc. No. M-34909 of 2014(O&M)
Date of decision : 10.03.2015**

Jasdeep Singh @ Jassu

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. R. S. Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate
for petitioner.**

Mr. K.S. Aulakh, AAG Punjab.

**Mr. Vikram K. Chaudhri, Senior Advocate with
Ms. Isha Goyal, Advocate
for the complainant.**

ANITA CHAUDHRY, J.

A petition under Section 439 Cr.P.C. was filed by the petitioner, who was arrayed as an accused in a case under Section 302/34 IPC at Jalandhar. His regular bail applications failed to find favour and were dismissed. The petitioner then approached this Court seeking bail on medical grounds. The petitioner had restricted the prayer for grant of temporary bail which was allowed till 21.12.2014 vide order dated 20.10.2014. He was directed to surrender before the Chief Judicial Magistrate/ Duty Magistrate on 22.12.2014. He was further directed not to visit Jalandhar City where the alleged incident had taken place.

Thereafter, on request, the temporary bail granted to the petitioner was extended till 06.01.2015 and thereafter adjournments were sought.

The State counsel had pointed out certain facts. He states that on 13.01.2015 the petitioner was directed to appear before the Doctors at

PGI, Chandigarh. The case was thereafter adjourned on the request made by the petitioner's side on three occasions.

The Senior counsel appearing for the petitioner has referred to the report submitted by the State and has urged that investigations were carried out in PGI and the doctors had reported that the petitioner would have to undergo procedures and the petitioner had undergone procedure in Medanta Hospital, Gurgaon on 26.02.2015. He further urges that the petitioner needs to undergo another procedure and at least three weeks extension be granted.

The petitioner was asked to place on record the relevant record. Discharge summary has been placed on record and copy of the same has been supplied to the complainant side.

The complainant side has opposed the extension. It has been urged that the accused side belongs to a influential family and were enjoying hospitality of Superintendent Jail at Jalandhar and three rooms had been given and they were allowed to keep a servant and the matter was enquired into by the concerned District Judge and an FIR was registered. It was urged that the regular bail had been dismissed up to the Supreme Court and the petitioner approached the Court on medical grounds and they did not undergo any procedure for two months and on an objection by the State, the petitioner was referred to PGI and the petitioner did not appear and directions had to be issued. It was urged that as per documents supplied today, the procedure has been done and repeated adjournments have been taken just to avoid surrender. It was urged that the prosecution had closed its evidence in April 2014 and the case is being fixed for defence evidence and now arguments are to be addressed.

The Senior counsel for the petitioner has submitted that as per the discharge summary, the petitioner was to revert for review in the hospital on 15.03.2015. Harshpal Singh, father-in-law of the petitioner who is present

in Court states that the petitioner had been admitted in the hospital today. The counsel for the petitioner referred to the discharge summary and states that stent had slipped in the bladder and had to be restored.

A perusal of the discharge summary shows that the petitioner had undergone a procedure and post operative evaluation was done and the petitioner was discharged in stable condition and some medicines were advised and the patient was to revert in case there was any complication, fever or pain.

The counsel for the petitioner had referred to the plan given at the time of discharge according to which the petitioner had to go to Urology OPD for review after a week with x-ray and the next session for lithotripsy was to take place on 15.03.2015.

As per discharge summary, the petitioner had to be treated for kidney stone, which is a non evasive procedure. The petitioner has already got an extended stay on medical grounds. Various methods have been adopted by the petitioner to get extension. The trial is at the fag end. The interim bail is extended only up to 20.03.2015. The petitioner would surrender before the CJM, Gurdaspur/ trial Court on 21.03.2015, failing which warrants of arrest would be issued to procure his presence. It is made clear that no further request for extension of bail shall be entertained. It has been pointed out that the next date fixed in the Court is 23.03.2015. A copy of this order be sent to CJM, Gurdaspur as well as trial Court for information and necessary action.

With the aforesaid directions, the petition stands disposed of.

March 10, 2015
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(ANITA CHAUDHRY)
JUDGE