

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

CRM No.M-520 of 2015

Date of Decision: February 27, 2015

Manjit Rai Joshi

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.S. Rangi and Mr. Jagnahar Singh, Advocates
for the petitioner.

Mr. Nikhil K. Chopra, Deputy Advocate General, Punjab.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Petitioner Manjit Rai Joshi has filed this petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.164, dated 05.12.2014, under Sections 269, 270, 336, 337, 338 and 326-A of the Indian Penal Code, 1860, registered at Police Station Ghuman, District Gurdaspur.

Status report/reply filed by way of affidavit of Inspector Harkrishan Singh SHO, Police Station Ghuman, Police District Batala on behalf the State along with the statement and disclosure statement of the petitioner as Annexures R-1/T and R-2/T are taken on record.

The present case was registered on the complaint of Civil Surgeon, Amritsar, in which it was stated that eye surgeries of the

people of village Gagomahol was performed at Guru Nanak Multi Specialty, Ghuman, in which eye sight of fourteen persons were lost after the operation. They were later on admitted to Govt. Medical College, Amritsar. It was stated that the Medical Camps were organized by one N.G.O. SKM, Mathura, District U.P., which was held on 31.10.2014 at village Ghuman, on 02.11.2014 at Tanda, District Hoshiarpur on 03.11.2014 at Dera Baba Nanak and on 04.11.2014 at village Gagomahol. It was also stated that the surgeries of the patients were done by Dr. Vivek Arora, Guru Nanak Multi Specialty, Ghuman.

During the course of investigation, the present petitioner, being the Member of the N.G.O. was arrested.

Learned counsel for the petitioner has argued that the petitioner merely provided financial support and was not involved in any way in the surgeries.

Reply of the State has been obtained, in which, it is stated that thirty persons had lost their eye sight in the said camps organized by N.G.O. SKM, Mathura, District UP. It has been stated that during investigation, it was revealed that the petitioner had only given financial help in organizing the camps. The petitioner had not supplied any material or medicines used in the camps. The petitioner is doing voluntary service for the society and other charitable works like organizing Free Eye Camps, solemnizing the marriage of poor

girls etc. and provided finance to the organizers and the funds were received from different NRI persons and organizations situated abroad.

Learned State Counsel has argued that the accused had suffered a disclosure statement (Annexure R-2/T) that the petitioner along with the NGO SKM Matura Organization had purchased the medicines and other materials used in the Camp at cheaper rates so that they can earn much profit.

However, no other evidence in pursuant to the said disclosure statement could be collected. The fact remains that it is the stand of the petitioner that the petitioner is a Social Worker and doing voluntary service for different societies, organized free camps and solemnized the marriage of poor girls. He merely provided funds to the N.G.O. The petitioner is in custody since 05.12.0214.

Since the challan is yet to be presented and the disposal of the trial will take time, therefore, there is no ground for further detention of the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

(KULDIP SINGH)
JUDGE

February 27, 2015
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