

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

CRM-M-35473-2016

Date of Decision : 15.12.2016

Mohinder Singh Nagpal

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sant Pal Singh Sidhu, Advocate,
for the petitioner.

Mr. G.S. Salwara, D.A.G., Haryana.

M.M.S. BEDI, JUDGE (ORAL)

The first application for pre-arrest bail filed by the petitioner was dismissed on 14.05.2013. Challan has been presented against the co-accused of the petitioner. The petitioner has again approached this Court for grant of pre-arrest bail, claiming that the petitioner is an old person, suffering from a number of diseases.

A report was called for, regarding the ailments of the petitioner and the same has been received and it has, *prima facie*, transpired that the petitioner is suffering from hypertension, had suffered brain stroke on 15.03.2013, is a patient of alzheimer and dementia, had

suffered from heart attack, prostrate surgery and epilepsy diagnose, fracture of ankle, is a patient of thyroid disease and suffered from hernia surgery. The number of ailments, along with the documents supporting them, have been annexed with the report by the Additional Chief Judicial Magistrate, Panchkula. It has been informed that the petitioner is 82 years of age. The supplementary challan has also been presented against the petitioner.

Even on merits, the receipt of sale consideration from any of the complainants is apparently a debatable issue. The petitioner has already put in appearance before the trial Court.

Leaving it to the discretion of the trial Court to pass an appropriate order in context to the ailments of the petitioner, this petition is allowed. It is ordered that the petitioner will remain on bail against the bail bonds/ surety bonds already furnished by him, pursuant to interim order dated 17.10.2016, before the trial Court subject to the conditions that the petitioner will not absent himself without any sufficient cause, and without intimating the trial Court and in case, the petitioner seeks exemption from personal appearance on a particular date, he would be required to furnish an undertaking that the trial will not be stalled on account of his absence and that the statements of the witnesses would be recorded in presence of his counsel as per the provisions under Section 273 Cr.P.C.

In case of violation of any of the abovesaid

conditions, it will be open to the prosecution agency to seek cancellation of the bail of the petitioner.

(M.M.S. BEDI)
JUDGE

December 15, 2016
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No