

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

CRM-M-37115-2016 (O&M)

Date of decision : 03.11.2016

Shiv Dhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Deepak Saini, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by SI Khila Ram.

Mr. Vikram Singh, Advocate,
for the complainant.

JITENDRA CHAUHAN, J.

The petitioner seeks concession of regular bail under Section 439 of the Code of Criminal Procedure, in FIR No.603 dated 17.08.2015, registered under Sections 406, 420, 467, 468, 471, 120-B and 506 of the Indian Penal Code, at P.S. Civil Lines, Karnal.

Heard.

This is the second bail petition under Section 439 Cr.P.C. No change of circumstances in favour of the petitioner has been pointed out. Therefore, this Court is not inclined to accept the prayer for grant of regular bail to the petitioner.

However, on an earlier occasion, the petitioner moved petition bearing CRM-M-20216-2016, under Section 439 Cr.P.C. for grant of

regular bail, which was dismissed vide order dated 30.08.2016. However, application bearing CRM-24807-2016 moved along with the said petition for grant of interim bail to the petitioner on the ground of illness of his wife was allowed by passing the following order:-

“Instant application under Section 439 Cr.P.C. read with Section 482 Cr.P.C. has been preferred for grant of interim bail to the petitioner on the ground of illness of his wife.

At the outset, It is worthwhile mentioning that the main petition for grant of regular bail has been dismissed by this Court vide separate order of even date.

Reply by way of affidavit of the Deputy Superintendent of Police, Karnal has been filed in the Court, which is taken on record.

From the perusal of Annexure R-1 appended with the reply, it is evident that the wife of the petitioner is under treatment from the Institute of Liver and Biliary Sciences (ILBS) and is a known case of Extra-hepatic portal vein obstruction. Recent MRCP suggests type 3 biliopath with stones in intra-pancreatic portion of CBD and has been advised ERCP (Endoscopic Retrograde Cholangiopancreatography).

Considering the above, this Court is inclined to release the petitioner on interim bail for a period of two weeks from the date of his release, subject to his furnishing adequate bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate. The petitioner shall also surrender his passport with the releasing Court and shall not go abroad without its prior permission. He shall surrender back to the jail authorities on the date and time to be noticed by the releasing Court.

CRM application stands allowed in the above terms.”

It is admitted fact that after the expiry the period of interim bail, the petitioner surrendered before the jail authorities.

It is contended on behalf of the petitioner that the ailment still persists, warranting the wife of the petitioner to be admitted in the hospital.

Considering the fact that treatment and care is required by the wife of the petitioner, the Court is inclined to grant interim bail to the petitioner, purely, on humanitarian grounds, for a period of four months from the date of his release, subject to his furnishing adequate bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned and all other conditions imposed vide order dated 30.08.2016, passed in CRM-24807-2016 in CRM-M-20216-2016. The petitioner shall surrender back to the jail authorities on the date and time to be noticed by the releasing Court.

The petition is disposed of in the above terms.

03.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No