

Criminal Misc. M- No. 13117 of 2017 (O&M)

Date of decision : July 05, 2017

Balwinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 157 dated 21.08.2000 registered under Sections 376, 506, 120B IPC at Police Station Payal, District Ludhiana.

In compliance with orders dated 01.05.2017 and 22.05.2017, affidavit dated 25.05.2017 of Sh. Surinder Pal Khanna, PPS, Superintendent, Central Jail, Ludhiana filed in Court today, with copy thereof to learned counsel for the petitioner is taken on record subject to just exceptions.

It is submitted that prior to the registration of this case, the petitioner's father had lodged FIR No. 93 dated 20.07.2000 under Sections 452, 323, 307 IPC against the father of the prosecutrix for causing serious injuries on the head of the present petitioner with a spade (Kahi). It is submitted that on account of the said brutal attack the petitioner underwent

surgery at DMC Hospital, Ludhiana and thereafter was under treatment at England. The petitioner in fact was undergoing treatment in England when the present FIR was lodged. The father of the prosecutrix was acquitted in the above mentioned FIR primarily because the present petitioner could not come for testifying before the learned trial Court.

Learned counsel for the petitioner submits that even as of now the petitioner is extremely unwell. He still suffers from seizures due to the head injury. He was referred to the Civil Hospital, Ludhiana and even now the petitioner is admitted in the hospital within the jail premises. It is submitted that the petitioner has surrendered his passport before the police authorities. He undertakes to face trial and appear on each and every date fixed. Therefore, the petition be allowed.

Medical Report dated 25.05.2017 by the Senior Medical Officer, Central Jail, Ludhiana (Annexure R-1 with the affidavit dated 25.05.2017) reads as under:-

“ This is to inform to you that as per record, UT Balwinder Singh s/o Kaliyan Singh aged about 58 years is a Follow up case of head injury with Left Parietal Craniectomy and repair of dural tear. He is also suffering from Seizure disorder with Hyperuricemia with hypertension with hypothyroidism with hyopercholesterolemia for which he is currently under treatment for the same as prescribed by National Health Service, England. The patient was referred to Civil Hospital Ludhiana and was examined by medical specialist and was advised to continue the same treatment. The patient was treated for his head injury at DMC Hospital, Ludhiana where he remained admitted from 20.7.2000 to 05.08.2000. The patient remained admitted in Central Jail, Hospital, Ludhiana from

16.01.2017 to 13.05.2017 vide Health Card No. 7502. Presently patient is conscious and oriented to time, place and person. Vitals are within normal limit. Bilateral Pupils responsive. Patient now complains of weakness along right side of body and difficulty in speech. This is for your information.”

Keeping in view the facts and circumstances of this case especially the medical condition of the petitioner but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No