

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

205

CRM-M-19634-2017 (O&M)

Date of decision: 02.06.2017

SATYA PARKASH TREVEDI @ ASHU TRIVEDI

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Karan Singh, Advocate for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Gurpal Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.123 dated 30.07.2015, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC and Sections 18, 19 and 20 of the Transplantation of Human Organs Act, at Police Station Division No.7, Jalandhar.

Contents that the petitioner is in fact a victim in the present case, who for a good reason donated his kidney to the recipient, Mohd. Rashid. However, co-accused, owner of the hospital, namely, Rajesh Aggarwal and the management of the hospital further sold the organ donated by the petitioner. The petitioner did not receive any amount. The petitioner is an illiterate person and he was made to sign some papers and under *bona fide* belief, he signed the same. Co-accused, Kuldeep Kumar has

been granted bail by the trial Court vide order dated 04.11.2015 (Annexure P-3). One of the accused, Dr. Rajesh Aggarwal has been admitted to bail by Hon'ble the Supreme Court.

On the other hand, the learned State counsel vehemently opposes the present petition. She, on instructions, submits that challan has been filed and charges are yet to be framed.

Heard.

Considering the fact that petitioner is a donor; challan stands presented; Hon'ble the Supreme Court has already granted the bail to co-accused, Dr. Rajesh Aggarwal; all the accused have been enlarged on bail; and Charges have not been framed so far, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

02.06.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No