

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24894-2016

Date of Decision:- 21.02.2017

Parmod Kumar Jain and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Gautam Dutt, Advocate,
for the petitioners.**

Ms. Mahima Yashpal, AAG, Haryana.

**Mr. D.S. Matya, Advocate
for the complainant.**

Mr. Himmat Singh, Advocate (Mediator).

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners, in a case arising out of FIR No.299 dated 25.05.2016, under Sections 420, 498-A, 406 and 120-B IPC, registered at Police Station Sohna, District Gurgaon.

As per the allegations in the FIR, petitioner No.3 Mayank Jain son of petitioner Nos.1 and 2 was suffering from number of diseases and this fact was in the knowledge of his parents and brother.

Learned counsel for the petitioners submits that the petitioners

have been falsely implicated in the present case.

Vide order dated 25.07.2016, the notice was issued to enable the parties to make an attempt for amicable settlement and arrest of the petitioners was stayed.

This Court, vide order dated 12.08.2016, has directed to the Medical Superintendent, Government Hospital Sector 16, Chandigarh to constitute a Board of three doctors for examination of petitioner No.3, namely, Mayank Jain, within a period of three weeks and thereafter submit his report with regard to his condition.

Thereafter, reply by way of affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Sohna, has been filed on 15.10.2016, in which, report dated 08.08.2016 (Annexure R-1) from Dr. Samil Govil, MD Medicine MAMS, DNB (Nephrology) MNAMS, placed on record. As per the said report, petitioner No.3 was suffering from Diabetes Mellitus with Kidney Failure of 2nd Stage and he was also suffering from disease on his leg. Petitioner No.3 has come in the month of August 2015 for diagnosis and his photograph is also annexed with the reply.

Thereafter, a separate reply dated 03.12.2016 was filed by Assistant Commissioner of Police, Sohna, wherein it has been stated that in compliance of order dated 12.08.2016, a board of doctors was constituted to examine Mayank Jain and the report of the Medical Board is Annexure R-1. As per the said report, Mayank Jain (petitioner No.3) is suffering from Diabetes Mellitus, (Controlled) with Hypertension with Bilateral Elephantiasis and Anemia and chronic kidney disease.

After hearing the learned counsel for the parties, going the above-said reports, the petitioners did not deserve the benefit of anticipatory

bail as they have already knowing the fact that Mayank Jain (petitioner

No.3) was suffering from the chronic diseases. Since very serious and direct allegations of heinous offences of cheating etc. are assigned to the petitioners, therefore, the present petition for grant of pre-arrest bail, filed by them, is hereby dismissed.

February 21, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No