

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

CRM-M-31648-2017 (O& M)

Date of decision: - 1.9.2017

Swaran Singh

.....Petitioner.

versus

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN.

Present: - Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of interim bail to the petitioner for a period of two months on medical grounds in case FIR No. 76, dated 9.3.2015, under Sections 302/323/34/307 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station City Tarn Taran, District Tarn Tarn.

Learned counsel for the petitioner submits that petitioner is undergoing treatment for his heart ailment at various hospitals. He further submits that in pursuance to the order dated 18.7.2017 (Annexure P-11), petitioner moved an application before the trial Court for grant of interim bail on medical grounds. Trial Court vide its order dated 2.8.2017 has, however, declined the said application. The operative part of the order reads as under: -

“Notice of this application was issued to Doctor Central Jail Amritsar and his report was called.

Medical Officer, Central Jail Amritsar has sent his report stating that under trial Swaran Singh son of Ajit Singh is lodged in Central Jail Amritsar and is a known case of type-2, diabetes, mellitus, hypertension, coronary artery disease (write history of stenting), cervical spondlosis and unstable angina. Patient was

on treatment from Guru Nanak Dev Hospital, Amritsar from where he was referred to PFI Chandigarh for further management. At Pgi Chandigarh, he was advised CT Coronary angiography which could not be done due to his deranged renal function tests. At present, he is on medication able to do his routine work with complaints of episodes of chest pain radiating to left arm.

From the above said report, it is clear that he is getting medical treatment from Fortis Escorts Hospital, Amritsar, Guru Nanak Dev Hospital, Amritsar and PGI hospital Chandigarh which are best medical institution in India and he is getting best possible Medical treatment. As such he is not entitled to concession of interim bail on medical ground. His bail application stands dismissed. Record of bail application be attached with main file.”

Learned counsel for the petitioner further submits that petitioner needs urgent medical attention for treatment of his heart ailment as even the doctors from PGI, Chandigarh has advised CT coronary angiography which could not be done due to his deranged renal function tests. He further submits that petitioner is also under treatment from Fortis Escorts Hospital, Amritsar and therefore, he needs interim bail so that petitioner be admitted in some hospitals and get his proper medical treatment.

Learned State counsel has filed the custody certificate dated 1.9.2017 in Court today. The same is taken on record. Learned State counsel, on instructions from ASI, Mukhtiar Singh, submits that in fact trial would be delayed in case interim bail is granted to the petitioner as he is main accused.

Learned counsel for the petitioner undertakes that the evidence may be recorded in the absence of petitioner; he will not raise any objection in this regard and the evidence, so recorded in his absence, will be termed as legal evidence and will furnish an undertaking before the trial Court that in the absence of the petitioner if evidence is recorded in presence of his counsel, he will not raise any objection and that the prosecution evidence recorded in his absence

After considering the medical report submitted by the petitioner as well as the report of PGI, Chandigarh, present petition is allowed and the petitioner is ordered to be released on interim bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court and further on furnishing aforesaid undertakings.

Petitioner is directed to surrender before the trial Court on 13.11.2017.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

1.9.2017
preeti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No