

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

**CRM-M No.18271 of 2018
Decided on: 09.05.2018**

Rampal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sugandh Rathor, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Rajiv Dhawan, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of interim regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.789 dated 01.10.2014, for offence punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code (in short 'IPC'), registered at Police Station Civil Lines, District Karnal.

Counsel for the petitioner has submitted that as per the medical report issued by the Medical Officer, District Jail, Karnal dated 22.02.2018, it is reported as under:-

“The under trial prisoner is suffering from Hiatus/Diaphragmatic Hernia with Diabetes Mellitus & Hypertension. He is an old case of Coronary Artery Disease (CAD). The symptomatic treatment was given at district jail hospital, Karnal. He was referred to higher centre KCGMCH, Karnal and PGIMER, Chandigarh on 17.06.2017, 28.06.2017 & 04.07.2017. He remain admitted in PGI, Chandigarh from 04.07.2017 to 21.07.2017 & 24.07.2017 to 27.07.2017. He was advised Stress Thallium test & to undergo surgery under high risk.

The cardiologist advised that patient can be taken up for surgery under high risk. Again he was referred to KCGMCH, Karnal on 13.12.2017 & he admitted in from 13.12.2017 to 19.12.2017. He was referred to PGIMER, Chandigarh on 19.12.2017 by KCGMCH doctors and was admitted in PGIMER, Chandigarh on 19.12.2017 to 11.01.2018. He has been again advised to attend OPD surgery at PGIMER, Chandigarh to get a date for his surgery. The PGI doctors also advised that in case of any emergency like pain abdomen, high grade fever recurrent vomiting, the patient should be admitted in PGI, Chandigarh, immediately.

*Sd/- (Seal) 22.218
Medical Officer,
District Jail, Karnal.”*

Counsel for the petitioner has further submitted that vide order dated 29.01.2018, passed in CRM-M No.48194 of 2017, the petitioner was also granted similar relief pertaining to another FIR, however, the petitioner could not avail the said interim relief as he is in judicial custody in the present case.

Counsel for the State has filed reply by way of affidavit of the Deputy Superintendent of Police, Karnal and submits that though it is admitted that the petitioner is a known case of Coronary Artery Disease (CAD) with hypertension and Hiatus Hernia and he is advised surgery for Hiatus Hernia at PGIMER, Chandigarh, however, it is stated that presently, the condition of the patient is stable.

Counsel appearing for the complainant, on the other hand, has opposed the prayer for bail on the ground that there is an apprehension that in case the petitioner is released on bail, he may not

surrender before the trial Court and misuse the concession of bail.

After hearing counsel for the parties, without commenting anything on merits of the case and considering the medical report (Annexure P1) and the affidavit of the Deputy Superintendent of Police, Karnal, the petition is allowed and the petitioner is granted interim regular bail on medical grounds upto 15.06.2018 subject to the condition that the petitioner or his surety will furnish a Fixed Deposit Receipt to the tune of Rs.10 lacs favouring the complainant – HAFED before the trial Court with an undertaking that in case he fails to surrender before the trial Court on or before 15.06.2018, the said amount shall stand forfeited and will be paid to the complainant – HAFED.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.05.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No