

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 32544 of 2018 (O&M)

Date of decision : 21.9.2018

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Manohar Lal

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Manohar Lal, an accused in FIR No. 60 dated 20.4.2017, for offences under Sections 304-B, 120 IPC, (subsequently, Section 304-B was replaced with Section 320 IPC; and Section 498-A IPC was invoked additionally), registered at Police Station City Samana, District Patiala.

Briefly stated, facts of the case, as per the prosecution story are that Jatinder Kaur was married with Surinder Pal Singh alias Pankaj s/o Manohar Lal r/o Peero Gori Mohalla, Near Shani Dev Mandir, Ward No.16, Samana, District Patiala, in the year 2007. the couple was blessed with two children. At the time of her marriage, family of Jatinder Kaur had given dowry to her, as per their financial

position, but her husband and his family members were not happy with that and they used to harass and maltreat Jatinder Kaur, in connection with demand of more dowry. Such demands were met by the family of Jatinder Kaur at times but husband and his family members were not satisfied and they raised further demands, which could not be fulfilled. Panchayats were convened by family of Jatinder Kaur to prevail upon accused and his parents not to ill treat Jatinder Kaur but to no effect. On 19.4.2017, Jatinder Kaur made a telephonic call to his brother Harpreet Singh complainant that her husband, mother-in-law and father-in-law were harassing her and he should come there. Therefore, Harjeet Singh alongwith his wife Kamalpreet Kaur, went to the matrimonial home of her sister at night but Surinder Pal Singh and his parents misbehaved with them. The complainant and his wife however counselled them not to harass Jatinder Kaur and returned home. However, on 20.4.2017, in the morning, at about 5.00 A.M. Surinder Pal Singh informed the family of Jatinder Kaur that Jatinder Kaur had set herself ablaze. Thereafter, family members of Jatinder Kaur went there and found that Jatinder Kaur had died as a case of burning and her dead body was lying in Civil Hospital, Samana. According to the complainant, Jatinder Kaur had been set on fire by pouring kerosene on her by her husband Surinder Pal Singh, father-in-law Manohar Lal and mother-in-law Kanta Rani, in connection with demand of dowry.

On the basis of statement made by Harjeet Singh, formal FIR was registered. Investigation in the case started. Post mortem

examination on the dead body of Jatinder Kaur was got conducted. The Police Party went to the spot. The accused were arrested in this case. Manohar Lal was taken into custody on 27.11.2017. He is behind the bars since then.

After completion of investigation, challan has been filed in the Court. Charge has been framed against the accused and now the case is pending trial. Initially the accused were booked for offences under Section 304-B and 120 IPC, but charge framed against them is under Sections 302 and 498-A IPC.

The petitioner is seeking bail for the reason that he is 63 years old, suffering from Parkinson disease; he has been falsely involved in this case; the medical condition of the petitioner is such that he need proper care and attention, failing which irreparable loss may be caused to his health.

Out of 26 prosecution witnesses cited, no PW has been examined so far. He had filed a petition for regular bail before the Court of Sessions, but it was dismissed vide order dated 30.5.2018, by Additional Sessions Judge, Patiala. Therefore, the petitioner has approached this Court seeking grant of regular bail, which request is being opposed by the State counsel.

I have heard, learned counsel for the petitioner, learned State counsel, besides going through the record.

The State counsel was directed to verify as to whether the petitioner is suffering from Parkinson disease. In response, the State counsel has filed short affidavit of Mr. Gurmukh Singh, Deputy

Superintendent, Central Jail, Patiala, wherein he has contended that the Senior Medical Officer, Central Jail Hospital, Patiala, has submitted medical report of petitioner Manohar Lal, which has been attached with the affidavit, in which it has been mentioned as under :-

- Inmate has been diagnosed with known care of Parkinson's disease with Hypertension and Bilateral pedal edema.
- He has been on routine guard to Rajendera Hospital for check up and treatment from Ortho Dept. and Medicine dept. and eye dept.
- In 2015 he had his MRI done in which he had few cerebral Mircoangiopathic foci and posterior hernia lion of C3-4, C4-5. C5-6 dises extending to anleriar epidural space.
- He is now taking treatment for his back problem and other diseases as well and is put on regular guard to Rajindra Hospital for treatment and check up.
- All information is as per Jail Records.”

After hearing rival contentions and going through the record, I find that petitioner is suffering from serious ailments and has to be taken outside the jail regularly, in connection with his treatment, causing inconvenience to the jail authorities and putting financial burden on State exchequer. He is stated to be an aged person, suffering from various ailments, which fact has been verified by the

Senior Medical Officer posted in Central Jail, Patiala. It shall be proper and appropriate, in case he is allowed to get treatment from the hospital of his choice at his own expense. With such medical conditions, there is little possibility of his absconding or trying to tamper with the prosecution evidence.

However, instead of allowing the petition outrightly, granting him regular bail, the petitioner is granted bail for a period of four months, subject to his furnishing personal and surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala. The period of four months shall start running from the date of furnishing of bonds by the petitioner and acceptance of the same.

However, in case the trial is concluded earlier and he is convicted and sentenced, then he can be taken into custody by the trial Court at that very time. However, if the trial is not concluded within the period of four months, for which the bail is being granted to the petitioner, then he would surrender in the trial Court. However, he would be at liberty to move fresh application for regular bail, which would be then considered and disposed of keeping in view his medical condition, at that time.

21.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No