

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-53862 of 2018
Date of Decision: 11.12.2018

Siri Ram

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

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

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No.126 dated 1.6.2018 registered for the offences punishable under Sections 148, 149, 285, 364, 452, 302, 201, 120-B of Indian Penal Code (for short, "IPC") and Sections 25, 27 and 30 of Arms Act at Police Station Bhattu Kalan, District Fatehabad.

Heard.

Learned counsel for petitioner submits that the petitioner is 72 years of age suffering from mental ailment and Hemiparesis. Annexure P-7 is the CT report of 20.3.2014 which reads as under : -

“

NCCT Head & Left Orbit

Contiguous 8 mm axial sections of skull taken
extending from the base to Vertex and recon done at 4 mm. CT

reveals following findings :

- Multiple Ch. Lacunar infract seen in both basal ganglia & thalamus.
- Bilateral cerebral hemispheres show normal parenchymal attenuation & gray white differentiation.
- Bilateral cerebellar hemisphere shows normal attenuation & folia.
- Brainstem is normal.
- Ventricles are prominent.
- Bilateral thalami & internal capsules are normal.
- Sulci & gyri are prominent.
- Basal cisterns are enlarged.
- No midline shift seen.

Impression :

Multiple Lacunar infracts in both basal ganglia & thalami with age related cerebral atrophy.”

The petitioner has been arraigned solely on the basis of disclosure statement of his co-accused and son Dalbir. The petitioner has been charged only for offence under Sections 148, 120-B, 452, 367, 364 read with Section 149 IPC and Section 30 of Arms Act. He is in custody since 28.6.2018.

Without expressing any opinion on merits of the case and keeping in view the medical condition, age of the petitioner and other circumstances of the case coupled with the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Siri Ram son of Shri Gabdu Ram is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 11 , 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No