

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

CRM-M-13113-2020 (O&M)

Date of decision : 30.06.2020

Baldev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.148 dated 18.09.2019 under Sections 302, 201, 34 of the Indian Penal Code, 1860 registered at Police Station Kamboj, District Amritsar – Rural.

It has been contended by learned counsel for the petitioner that no role has been attributed to the petitioner in the FIR. Further, it has been contended that the petitioner is suffering from hypertension and Cerebrovascular Accident (CVA Brain Stroke) of right side. He is also bedridden and cannot move independently. He has further submitted that recently, the petitioner has also been diagnosed with Cancer of the food pipe.

Ms. Bhavna Gupta, DAG, Punjab has joined the session through video conferencing and has filed the reply on behalf of the State by way of affidavit of Gurpartap Singh, PPS, Deputy Superintendent of Police, Attari, District Amritsar Rural, Amritsar, wherein medical condition of the petitioner has been described as under:-

“(2) That it is respectfully submitted that the report regarding medical condition of the petitioner-accused was sought from

Government Medical College, Amritsar and a report dated 25.06.2020 bearing No.60/MED 7/25.06.2020 prepared by Prof. (Dr.) N.S. Neki, MD (Med); FRCP (Edin, Glasg, Ire, London), Government Medical College, Amritsar was received by the deponent, and the relevant porition of the report is reproduced hereunder:-

“It is certified that Sh. Baldev Singh prisoner son of Sh. Ajit Singh, 71 year male resident of Village Muradpura, PS Kamboj, Ajnala Road, Amritsar is admitted now in medical ward no.7, Guru Nanak Dev Hospital, Amritsar w.e.f. 18.05.2020 vide CRN No.85280. Previously he was under the treatment of Prof. I/C Dr. Tarsem Pal, Incharge Medical Unit 6, from 18.05.2020 to 31.05.2020 and was shifted to medicine Unit 7 as per prisoner duty. He is suffering from Hypertension with Cerebrovascular Accident (CVA-Brain Stroke) Rt. Side with muscle power of upper limb, Left Side with muscle power of upper limb, Left Side grade O and power in left lower limb is Grade I. As per history he is chronic alcoholic. He is bed ridden and cannot move independently. He is under investigation and treatment for the above illness. He has been cathertised and can speak clearly.”

The petitioner is an old man of 71 years suffering from Hypertension with Cerebrovascular Accident (CVA-Brain Stroke) Rt. Side with muscle power of upper limb, Left Side with muscle power of upper limb, Left Side grade O and power in left lower limb is Grade I which has rendered him bed ridden and he is unable to move independently. The petitioner in this condition would require someone to take care of him.

In view of the above and without expressing any opinion on the merits of the case and considering the fact that conclusion of the trial would take some time, the present petition is allowed and the petitioner shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

30.06.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No