

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-27388 of 2020

Date of Decision: 27.10.2020

Parv

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Pardeep Parkash Chahar, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail in FIR No.320 dated 12.09.2018 under Sections 302/34 IPC as well as Sections 216 IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (added later on) registered at Police Station Madhuban, District Karnal.

Learned counsel for the petitioner has argued that though the earlier petition filed by the petitioner i.e. CRM-M-18987-2020, seeking

regular bail, was dismissed by this Court vide order dated 04.08.2020, but the petitioner has moved the present petition for grant of interim bail enabling him to attend his old and ailing father and for getting him examined from Department of Neurology, PGI, Chandigarh or PGI Rohtak as advised by doctor of Kalpana Chawla Medical College and Hospital, Karnal. He has submitted that father of the petitioner, who is 65 years of age, had suffered brain stroke in the year 2011 and since then, he is on medication. Now, he has developed dry eyes and for this reason, he has suffered loss of vision. He has been examined by the doctors of Kalpana Chawla Government Medical College and Hospital, Karnal and on 31.08.2020, the doctors have referred him to Department of Neurology either at PGI, Chandigarh or PGI, Rohtak. Though the petitioner has another brother Vishal, but he lives in Germany with his family and except the petitioner, there is no other male member in the family to look after his old and ailing father at this critical stage. The mother of the petitioner is quite old and also suffering from number of ailments and she is unable to take his father either to PGI, Chandigarh or PGI, Rohtak, who is otherwise in dire need of immediate medical treatment. He has referred to the certificate issued by the Sarpanch of the Village in support of his contention as well as other medical documents, so as to contend that father of the petitioner urgently requires neurological treatment either from PGI, Chandigarh or PGI, Rohtak and therefore, he seeks interim bail so that his father can be taken to hospital for treatment. He has further submitted that the injury which led to the death of the deceased is attributed to the co-accused Vicky, whereas the role attributed to the petitioner is that he had

caught hold of the deceased from behind. Even otherwise, the main injury was caused on non-vital part of body of the deceased.

Status report by way of affidavit of Narender Kumar, HPS, D.S.P. Karnal has been filed. There is no dispute as regards the ailment of father of the petitioner who has been examined by the doctors of Kalpana Chawla Government Medical College and Hospital, Karnal and referred to Department of Neurology either at PGI, Chandigarh or PGI, Rohtak.

Learned State counsel is unable to controvert the fact that father of the petitioner requires immediate medical treatment from the Department of Neurology either at PGI, Chandigarh or PGI, Rohtak.

I have heard learned counsel for the parties.

There is no dispute as regards the ailment of father of the petitioner and he is urgently required to be examined by doctors either at PGI, Chandigarh or PGI, Rohtak. Though the petitioner has one elder brother but he is living in Germany and unable to attend his father. Considering the ailment of father of the petitioner and there being no other person in the family to attend him, this Court deems it appropriate to release the petitioner on interim bail for a period of 15 days.

Accordingly, the present petition is allowed and the petitioner is admitted on interim bail, subject to furnishing his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, with a further direction that the petitioner will surrender before the jail authorities immediately on completion of the period of 15 days.

However, it is made clear that during the period of interim bail, the petitioner shall not influence any witness in any manner directly or indirectly.

October 27, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?	Yes / No
Whether reportable?	Yes / No