

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

**CRM-M No.50143 of 2019 (O&M)
Decided on: 14.01.2020**

Shingara Ram Sahungra

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Simran Jit Singh, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. Keshav Partap Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.122 dated 14.08.2019, for offence punishable under Sections 153-A, 124-A, 295-A, 298 and 505 of the Indian Penal Code, 1860 (in short 'IPC') (Section 124-A IPC removed later), registered at Police Station Nawanshaher City, District Shaheed Bhagat Singh Nagar (Nawanshaher).

Counsel for the petitioner has argued that during the investigation, Section 124-A IPC has been deleted and challan stands presented and the investigation is complete. It is further submitted that the petitioner belongs to S.C. community and the allegation in the FIR are that on account of demolition of a Temple belonging to Ravi Dass community at Delhi and a Bandh call was given by the petitioner in which he has given a speech using derogatory and insulting remarks

against Hindu Gods and Goddess and had also used un-parliamentary and derogatory language against the High Courts and the Hon'ble Supreme Court of India. It is further alleged in the FIR that the speech was videographed and uploaded on social media which has hurt the sentiments of the people, who profess the religion against whom the petitioner has made the allegation.

Counsel for the petitioner has further argued that the petitioner is an Ex. MLA and the FIR has been registered on account of his political efficacy and the petitioner is in custody since 16.08.2019 and as on today, he is not required for any further custodial investigation. It is also submitted that the petitioner is not maintaining good health and he is a chronic patient of kidney disease.

Reply by way of affidavit of the Superintendent, Central Jail, Ludhiana along with the medical report from the Senior Medical Officer, Central Jail, Ludhiana is filed in the Court and as per the affidavit, the following medical opinion is given:-

“UT Shingara Rm S/o Baru Ram is K/C/O Diabetes, Hypertension, Diabetic Kidney disease Stage-IV, Chronic kidney disease Stage-III, HCV Infection, Peripheral Neuropathy, Prolapsed Intervertebral and Retinopathy. He also has the history of Opoid dependance as recorded by Dr. Vivek Goyal (MD Psychiatry) on medical journal page no. 229 dated 29.08.2019 and is registered with OOAT at Central Jail, Ludhiana. He is presently under treatment under the supervision of Medical Specialist Civil Hospital, Ludhiana (recorded visit on 17.08.2019 and 24.09.2019) and Medical Specialist at the Deep Hospital, Model Town, Ludhiana. He visited Civil Hospital, Ludhiana on 02.09.2019, 03.10.2019. Medical Specialist Dr. Harjinder

Singh visited him (page no.227 on dated 28.08.2019 at CJ, LDH), ortho consult was done on 24.09.2019. He was referred from Civil Hospital, Ludhiana by board of doctors to Rajindra Hospital, Patiala on 03.10.2019 for investigation and further management. He also underwent investigations at Civil Hospital, Ludhiana. His RBS is regularly monitored at jail premises. On 05.10.2019, HCV Viral Load was done and he was started treatment for HCV (UID No.6337). He visited Deep Hospital, Ludhiana on 10.10.2019, 18.11.2019, 03.12.2019 and 21.12.2019 on OPD basis. He has been called for his follow up after 30 days i.e. 20.01.2020. On last follow up i.e. on dated 21.12.2019 he underwent investigations and was prescribed medication for his illness for 30 days by Dr Rajan Isaacs, MD, DM Nephrology at Deep Hospital, Ludhiana on OPD basis. It is also stated that he is currently in stable condition and has no fresh medical complaint and his sugar is being regularly monitored at Central Jail, Ludhiana.”

A perusal of the medical record show that the petitioner is having Diabetic Kidney disease Stage-IV with severe infection and history of Opioid dependance.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 16.08.2019; he is not involved in any other case; challan stands presented and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

14.01.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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