

CRM-M-308-2021 (O&M)

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

**CRM-M-308-2021 (O&M).
Decided on: January 12, 2021.**

Sonu @ Sonu Sharma

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Pratham Sethi, Advocate,
for the petitioner.**

Mr.Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking interim regular bail to the petitioner for a period of 20 days on the ground that mother of the petitioner is suffering from an ailment for which surgery is required for operation of hysterectomy (surgical removal of uterus) because there was an abnormal growth in uterus with fibroids along with abnormal uterine bleeding. He has

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referred to the medical record which has been attached as Annexure P3.

Learned counsel for the petitioner has submitted that the petitioner is the only male member in the family to get the aforesaid surgery of his mother done and that he is having minor children. He has further stated that there is no previous bad conduct pertaining to the petitioner during his custody or otherwise.

On 6.1.2021, this Court had directed the learned State counsel to seek instructions and verify the aforesaid factum with regard to surgery of the mother of the petitioner and also apprise the Court as to whether any prejudice can be caused to the State in case the petitioner is released on bail or not.

Today, a report has been filed by the learned State counsel through e-mail which is in vernacular prepared by the SHO, Civil Lines, Jind in which it is stated that as per the medical opinion of the doctor at present mother of the petitioner is not admitted in the hospital but date of surgery will be decided after admission. It is further stated in the affidavit that in fact, mother of the petitioner is suffering from such an ailment for which operation is required and that there is no other family member except the petitioner to look after her. However, in the later part of the report, it is stated that in case bail is granted to the petitioner, it cannot be said that he will not flee from justice or will not influence the witnesses.

Learned counsel for the petitioner has further submitted that condition and the necessity of the surgery of the mother of the petitioner has been duly verified by the police and the apprehension as

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stated in the report is not based upon any material and seems to be just mechanical kind of opinion which is given to the Court.

On being specifically asked from the learned State counsel as to whether there is any material available with the police official who has given this report with regard to expressing apprehension, he has not been able to satisfactorily reply to the query put by the Court.

Therefore, considering the totality of the circumstances of the present case, I deem it fit and appropriate to allow the present petition. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on interim regular bail for a period of 20 days for the purpose of getting her mother operated upon in the hospital. The date and time of release and surrender of the petitioner shall be fixed by the learned trial Court and such other requisite conditions may also be imposed as deemed necessary by the learned trial Court.

A copy of the order be given dasti to the learned counsel for the parties.

Disposed of accordingly.

January 12, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No