

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5258-2019
Date of decision : 02.09.2021
(Heard through VC)

PATWINDER SINGH @ SONI SHAH

.....Petitioner

Versus

THE STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vishva Bahl, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J (ORAL)

The petitioner prays for grant of regular bail in FIR No.163 dated 03.11.2017, registered under Sections 302, 34 IPC at Police Station Gharinda, District Amritsar, Punjab.

Learned counsel for the petitioner submits that after he was granted interim bail vide order dated 30.07.2019, his health condition has not improved and his condition is deteriorating. The counsel for the petitioner submit that even in the subsequent order this has been noticed by this Court that his condition is critical and deteriorated on day to day basis. The learned counsel for the petitioner further submit that the petitioner is still in *coma* and as per the medical condition, there are bleak chances of

any improvement in his health conditions.

On 30.07..2019 the following order was passed. The operative part of the order dated 30.07..2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“As per the allegations in the FIR, the petitioner has fired on the deceased Amarjit Singh.

Prayer in the present petition is primarily based on the poor health condition of the petitioner, who remained admitted in Nayyar Hospital on 28.11.2018 and undergone surgery and thereafter, he was referred to PGI and now, he is presently admitted in Guru Nanak Dev Hospital, Amritsar.

Reply by way of affidavit of the Deputy Superintendent of Police, Central Jail, Amritsar dated 06.03.2019 is already on record, in which with reference to the report of the Senior Medical Officer, Central Jail, the following submissions have been made:-

“In reference to your office letter no.761 dated 01.03.2019. This is to state that Prisoner Patwinder Singh s/o Gurcharan Singh referred to Civil Hospital Amritsar with complaint of loss of appetite, decreased sleep and irritability vide Medical journal number 9211(4) dated 16.11.2019 and where the doctor on duty examined the patient and after examination patient sent back to Central Jail Amritsar with the prescribed medicines. On 18.11.18 patient again referred to Guru Nanak Dev Hospital Amritsar with C/o weakness, unable to stand, not taking meals for many days, not talking to others so referred to psychiatry emergency GNDH Amritsar vide Medical Journal number 9217(general) dated 18.11.2018 and remain admitted at GNDH ASR. From GNDH ASR Patient shifted to Nayyar Hospital Amritsar on 28.11.2018 and remain admitted there till 15.01.19 with complaint of Tubercular Meningitis with Post Vasculitis infarcts with Hydrcephalus

(Tracheostomy insitu). From Nayyar Hospital, Amritsar patient further referred to PGI Chandigarh and remain admitted there from 16.01.19 to 16.02.19. Patient discharged from PGI Chandigarh on 16.02.19 and referred back to GNDH Amritsar for Tracheostomy tube care and suctioning. Tracheostomy tube change after every 4-5 days at GNDH ASR. At present Patient is undergoing treatment at surgery emergency, GNDH Amritsar.”

Thereafter, again report from the Medical Officer Central Jail, Amritsar was sought. ASI Harpal Singh, the Investigating Officer, is present in the Court and has placed on record the report of the Medical Officer, which is reproduced as under:-

“Patient is presently admitted in surgery unit 4 in Guru Nank Dev Hospital Amritsar now case of tubercular meningitis, UTI and Quadriplegia. According to the opinion given by junior resident-2 of surgery unit 4 Guru Nanak Dev Hospital Amritsar on 16/7/2017 patient is bed ridden, not oriented to time place and person with altered sensorium.

GCS: 11/15; 4 = eye opening spontaneous

2 = verbal response incomprehensive

5 = motor response to painful stimuli

Patient is having bed sores at back taking treatment for tubercular meningitis via RT tube.

BP = 100/60 mmhg, PR = 68/min, TEMP = 98.4 degree Fahrenheit.

This is for your kind information.”

The Investigating Officer has further stated that the petitioner is in custody since 09.11.2017 and the examination-in-chief of the complainant has already been recorded and the cross-examination is deferred because of the aforesaid reasons.

A perusal of the record further show that 02 of the co-accused who are sons of the petitioner have already been granted the concession of regular bail vide order dated 10.09.2018 passed in CRM-M No.25789 of 2018.”.

Considering the fact that for a considerable period of more than 02 years, the petitioner has not shown any improvement in his health condition and stated to be in *coma*, I deem it appropriate, that this petition is allowed and the interim bail granted to the petitioner vide order dated 30.07.2019 is made absolute.

(ARVIND SINGH SANGWAN)
JUDGE

02.09.2021

tarun sahani

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No