

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

CRM-M-8437-2021 (O&M)

Date of decision : 24.02.2021

Pawan Kumar @ Tikka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Rana Harjasdeep, DAG, Punjab.

Mr. Fatehjeet Singh, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail to the petitioner for a period of three weeks in case FIR No.417 dated 21.10.2020 under Sections 323, 398, 506, 34 of the Indian Penal Code, 1860 (Offences under Sections 385, 347 IPC were deleted later on) and Section 27 of the Arms Act, 1959 registered at Police Station Division No.5 District Jalandhar.

Learned counsel for the petitioner contends that father of the petitioner is suffering from last stage of gallbladder cancer and is a diagnosed case of Carcinoma Gall Bladder. The prognosis is very poor and the median life expectancy of father of the petitioner is stated to be 8 to 12 weeks.

Status report has been filed by way of affidavit of Palvinder Singh, PPS, Assistant Commissioner of Police (West), Jalandhar, wherein the said fact has been verified.

Learned counsel for the complainant states that in case the petitioner is released on interim bail, there would be a threat to the complainant.

Heard learned counsel for the parties.

In the present case, the father of the petitioner has been diagnosed with the last stage of gallbladder cancer and is stated to have life expectancy of 8 to 12 weeks.

Keeping in view the humanitarian angle, the present petitioner is directed to be released on interim bail for a period of three weeks starting from 26.02.2021 to 18.03.2021 to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. The petitioner shall surrender himself before the jail authorities on 19.03.2021 at 10 A.M. In addition to the above, the interim bail has been granted on the condition that the petitioner shall not approach/threaten the complainant in any manner and shall also not misuse the concession thereof by tampering with the evidence. In case, the petitioner is found to be misusing the concession of interim bail granted by this Court, the prosecution shall always be at liberty to apply for cancellation of the same.

Disposed off.

24.02.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO