

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

**216**

**CRM-M-22853-2021  
Date of Decision : 16.07.2021**

ANMOL ALIAS NOUNI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Sandeep Singh, Advocate  
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana  
for the respondent-State.

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**JUSTICE ARUN KUMAR TYAGI, J.**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail in case FIR No.393 dated 24.11.2019 registered under Sections 148, 302, 323, 324, 341 and 405 read with Section 149 of the Indian Penal Code, 1860 and Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Nissing, District Karnal on the ground of his vulnerability to infection of COVID-19.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Gajender Singh, HPS, Deputy Superintendent of Police, Assandh and written statement filed by way of affidavit of Amit Kumar, Superintendent, District Prison, Karnal in the Registry which are taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that as per the news published in THE TRIBUNE on 13.05.2021, 98 prisoners/inmates got infected within three days and similarly on 16.05.2021 223 prisoner/inmates were infected from corona virus in District Court Karnal. At the time of filing of the petition, there were hundreds of prisoners who were suffering from the deadly COVID-19 infection. With the rise of second wave of COVID-19 and with increasing number of COVID cases in the jail, there is every likelihood that the petitioner might get infected with the deadly virus. The normal functioning of the Courts below is not likely to be resumed in the near future in the prevailing circumstances and the trial is likely to take long time. In view of vulnerability of the petitioner to infection of COVID-19, he may be granted interim bail.

On the other hand, learned State Counsel has argued that the petitioner is not suffering from any serious ailments. On many occasions the petitioner was treated for gastritis (acidity) and minor skin ailments and he never suffered from COVID-19 infection while in Jail. His general condition is stable and satisfactory. He can be provided requisite medical treatment in the jail. The petitioner does not deserve grant of interim bail. Therefore, the petition may be dismissed.

In the present case, the petitioner is seeking interim bail on the ground of risk of infection of COVID-19. In the medical report of the petitioner, the Medical Officer, District Jail, Karnal has submitted that the petitioner has attended OPD in District Jail Hospital, Karnal on

many occasions for gastritis (Acidity) and minor skin ailments (scabies) for which he was prescribed medicines by skin specialist and general physician. The petitioner never suffered Corona infection while in jail and presently, there are no Corona positive cases in District Jail, Karnal. The general condition of the petitioner is stable and satisfactory.

The petitioner is healthy and is not suffering from any serious ailment. Interim bail cannot be granted to the petitioner solely on the ground of high risk of the petitioner getting infection of COVID-19 and the nature of accusation and gravity of offences alleged to have been committed by him have also to be taken into consideration.

In view of these facts and circumstances and also the nature of accusation against the petitioner, gravity of offences and the fact that there was no COVID-19 positive case in District Jail, Karnal as on 10.07.2021. I am of the considered view that the petitioner does not deserve the grant of interim regular bail.

Accordingly, the present petition for grant of interim regular bail to the petitioner is dismissed.

16.07.2021

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(ARUN KUMAR TYAGI)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |