

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109

CRM-M No.35973 of 2021

Date of Decision: 10.12.2021

Surender

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Bandana Trikha, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'interim bail' under the provisions of Section 482 read with 439 of the Cr.P.C., upon FIR no.314, dated 22.07.2018, having been registered at Police Station Civil Lines, District Kaithal, alleging therein the commission of offences punishable under the provisions of Sections 302/201/34 of the IPC.

Though the petitioners' prayer for interim bail had been rejected by this court on the last date of hearing itself, however, the matter was kept pending for a gazetted officer to file a reply stating as to whether the petitioners' mother had been taken up for a check up to the doctor (to be prescribed medicines etc. and to be given any date to undergo necessary surgery in respect of gall bladder stones).

An affidavit dated 07.12.2021 has been filed by DSP, Kaithal, which is ordered to be taken on record.

Learned State counsel points to paragraph 3 thereof wherein it is stated that though the petitioners' mother, Bharpai, was examined on 04.12.2021 by a board of doctors comprising of three doctors, she was recommended to be referred to “higher center” for the operation, which was not an emergency operation but an elective one, on the ground that it was not possible to do even a pre anesthetic check up of the patient as there was no Anesthetist in the said hospital.

It has next been stated in the affidavit that the trial of the case is at its final stage, with the next date of hearing being 17.12.2021, for leading defence evidence, if any, and arguments.

That being so, with the petitioners' mother not stated to be in any grave situation and it being only an elective surgery, nothing further is required to be stated by this court, with this petition consequently dismissed, for the reasons already stated in the order dated 30.11.2021.

(AMOL RATTAN SINGH)
JUDGE

10.12.2021
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No