

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

210

CRM-M-38308-2020 (O&M)

Date of Decision: 17.03.2021

BHUPENDER

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

CRM-3931-2021

Application is allowed, as prayed for.

Annexures P-5 and P-6 are taken on record.

CRM-M-38308-2020

Through this petition, the petitioner seeks interim bail for a period of two weeks in case FIR No.130 dated 14.04.2018, registered at Police Station Badhra, District Charkhi Dadri, under Sections 302, 307, 379-B, 395, 396 and 397 IPC and Section 25 of the Arms Act, 1959, on the ground that his minor daughter-Purvi, aged around 02 and a half year, is to undergo a cardiac surgery.

Learned counsel for the petitioner submits that as would appear from the letter dated 05.02.2021 of the Civil Surgeon, Bhiwani, an amount of Rs.90,000/- has been transferred to the account of Medical Superintendent, PGIMS, Rohtak, for the treatment of the petitioner's minor daughter and the

surgery can be conducted at any time soon. The brother of the petitioner is 100% mentally disabled and there is no other male member in the family of the petitioner and thus, the services of the petitioner being the only able-bodied male member in the family, are required for the cardiac surgery of his daughter.

Learned State counsel points out that during the recording of evidence, the petitioner had openly threatened the witnesses in the trial Court and this fact also finds mention in the order dated 03.11.2020 passed by the Additional Sessions Judge, Charkhi Dadri, while declining the interim bail application of the petitioner. Besides, the petitioner is also involved in two more cases i.e. FIR No.239 dated 14.04.2018 and FIR No.47 dated 22.03.2018. It is thus, stated that keeping in view the criminal antecedents of the petitioner, he is not entitled to the concession of interim bail. Still further, no date of the surgery has yet been finalized.

Controverting the aforesaid submissions of the learned State counsel, learned counsel for the petitioner denies the threat perception(s) to the prosecution witnesses.

I have heard the learned counsel for the parties.

As noticed above, the petitioner has sought interim bail for the cardiac surgery of his daughter. However, the fact remains that there are two more cases pending against the petitioner and as per the custody certificate, he is an under-trial in the said cases as well. The offences alleged against the petitioner, which includes the offence under Section 307 IPC as well are serious in nature and no case is made out to grant him the interim bail. Even otherwise, releasing the petitioner on interim bail in the present case would serve no purpose, as the petitioner is an under trial in the aforesaid two other cases and he can only be released if he is granted bail in the said cases as well.

Finding no merit in the present petition, the same is hereby dismissed.

17.03.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No