

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

103

**CRM-M-42116-2020
Date of Decision : 12.01.2021**

Sanjay Dhawan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

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 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of interim bail for a period of two months in case FIR No.432 dated 06.09.2020 registered under Sections 379, 285 read with Section 34 of the Indian Penal Code, 1860, Sections 15, 16 of the Petroleum Act, 1934, Sections 3 and 4 of the Explosive Substances Act, 1908 and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 in Police Station Sonipat Sadar.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Sh. Satvinder Kumar, Superintendent District Jail, Sonipat.

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 the petitioner, who has been falsely implicated in the FIR, is aged about 48 years and is a chronic patient of Coronary artery disease, type 2 diabetes, disease with post PICA, Non ST elevated MI, Lumber strain as well as psychiatric ailments and needs continuous monitoring of his fragile medical conditions related to heart and blood sugar etc. The petitioner was hospitalized about three months ago and stent was placed inside his heart by the Doctors of Action Medical Institute. The petitioner was arrested in the case FIR No.133 dated 05.09.2020 registered in Police Station Crime Branch, Delhi and subsequently the present FIR was registered against the petitioner. The petitioner moved an application for grant of interim bail on medical grounds which was allowed by learned Additional Sessions Judge, Tis Hazari Courts, Delhi vide order dated 19.11.2020. The petitioner was not released as he was brought on production warrant by the Haryana Police and arrested in the present case. The petitioner was taken to PGI Rohtak on four occasions during the last about twenty days time before filing of the present petition. The petitioner filed application for grant of interim bail which was dismissed by learned Additional Sessions Judge, Sonapat. The petitioner's health is all the more in risk due to out break of Covid-19. The petitioner will get himself vaccinated and will not seek further extension of interim bail. Therefore, the petitioner may be released on interim bail for two months'.

On the other hand learned State Counsel has submitted that as per the medical report submitted by Jail Medical officer, the petitioner is a known case of DM, CAD and HTN and was sent to

PGIMS, Rohtak on 24.11.2020, 01.12.2020, 11.12.2020 and 13.12.2020 in Cardiology and Endocrinology Department for follow-up but his Trop-T test was negative and his ECG monitoring also did not show any dynamic changes on 13.12.2020. The petitioner is involved in four other cases. The petitioner can be provided requisite medical treatment while in jail and the petitioner does not deserve grant of interim bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of ailments from which the petitioner is suffering, history of his medical treatment as mentioned above and also the fact of grant of interim bail on medical grounds by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi, I am inclined to extend the concession of interim bail to the petitioner for six weeks.

In view of the above, the petition is allowed and the petitioner is ordered to be released on interim bail for a period of six weeks from the date of his release on furnishing of personal and surety bonds by him to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.01.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No