

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

**CRM-M-50934-2021
Date of Decision : 17.12.2021**

Pawan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Arti Kaur, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for grant of interim bail pending trial in FIR No.126 dated 28.08.2021 on the ground that wife of the petitioner is 32 weeks pregnant and the due delivery date is in the end of December, 2021 and as there is no one at their house to look after the wife of the petitioner, the petitioner be granted interim bail to take care of his wife under these circumstances.

On the last date of hearing, the following order was passed:-

“Custody certificate of the petitioner has been filed today in the Court, same is taken on record.

Learned counsel for the petitioner submits that the present petition has been filed for the grant of interim bail on the ground that the wife of the petitioner is 32 weeks pregnant and the due date of delivery is end of December, 2021 or early January, 2022.

Before any consideration is given to the prayer of the petitioner, the respondent-State is directed to verify the factum whether, the wife of the petitioner is in family way or not and whether, there is anyone else to take care of her under these circumstances.

Adjourned to 17.12.2021.”

Today, an affidavit has been filed by the respondent-State wherein the following averments have been made in paragraph 3 & 4:-

“3. That in the compliance of the aforesaid directions, the respondent verified the facts of the prayer made by petitioner from Dr. Monika Jain, Obstetrics & Gynecologist, Civil Hospital Nawanshahar who is treating doctor of the wife of the petitioner and obtained medical opinion and status of the pregnancy of the wife of the petitioner namely Harshita Rani. The doctor in her medical opinion stated that the wife of the petitioner is pregnant and her expected date of delivery is 27.12.2021. The copy of medical opinion and Ultrasonography report of the wife of the petitioner namely Harshita Rani is attached herewith as Annexure R/1 and R/2.

4. That the respondent also verified the facts whether the wife of the petitioner is in family way or not and whether there is anyone else to take care of her under these circumstances and observed that the petitioner has one brother, two sister, mother and father in his family out of which his mother namely Sunita Rani and brother namely Pinder Kumar have already expired. Both sisters of the petitioner are married and residing in their in laws. The father of the petitioner is a Senior citizen aged about 65/70 years old and his eyes sight is very week. The wife of the petitioner is residing in the house of petitioner with his father in law i.e. father of the petitioner and there is no other one who may take care of the wife of the petitioner. In this regard statement of the Sarpanch of the Village also got recorded which is attached herewith as Annexure R-3/T.”

Keeping in view the facts stated hereinabove, when admittedly, there is no one in the house to take care of the wife of the petitioner who is in advanced stage of the pregnancy and her due date of delivery is in the end

of December, 2021, the petitioner is granted the concession of interim bail for a period of eight weeks from the date the petitioner is released from the jail.

Learned counsel for the petitioner has undertaken before this Court that during the period, when the petitioner will be on interim bail for the above said purpose, he will not only maintain good conduct but he will also surrender immediately on expiry of the said interim bail. Before issuing the release order, the trial Court is directed to impose the conditions as the trial Court deems fit to secure the presence of the petitioner after his bail period is over.

After the petitioner's surrender, the information of the same be sent to this Court as well.

Disposed of.

17.12.2021
hemlata

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes