

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

CRM-M-7811 of 2021 (O&M)

DECIDED ON: 28th April, 2022

Sher Singh

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. C.K. Singla, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Sunil Chaudhary, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition is filed seeking regular bail in case of FIR No. 285 dated 28.8.2020, under Sections 147, 148, 149, 323, 342, 506, 302, 450 IPC, registered at Police Station Siwani, District Bhiwani, Haryana.

As per the allegations in the FIR on 25.8.2020 in village Mandholi Khurd, petitioner and co-accused formed an unlawful assembly trespassed into *Dhani* of the complainant, with an intention to commit murder of Hoshiyar Singh, injuries were inflicted with stick, danda and *axe*.

The role attributed to the petitioner is that he caused injuries to the deceased. The motive behind the incident is that there was a dispute between the brothers regarding fixing of electricity pole in their respective fields.

Bail is sought mainly on the ground that the petitioner is 72 years of age. He underwent surgery for *prostate* and at present his medical condition is not such that the treatment can be continued while being in jail.

Learned State counsel has filed short reply dated 30.4.2022 annexing the medical report. State counsel relying upon the medical status report and on instruction submits that the medical condition of the petitioner is not good. There is continuous dripping of urine.

Mr. Sunil Chaudhary, appears for complainant and opposes the prayer for bail.

Without commenting upon the merits of the case, considering the medical condition of the petitioner, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

However, the parties shall be at liberty to avail remedy in accordance with law in case there is any misuse of the concession granted on the medical ground.

28th April, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>