

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

207

CRM-M-8421-2021(O&M)
Date of Decision : March 09, 2022

SACHIN

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.K.Verma, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

Since the learned counsel for the petitioner in the connected case is not present, the present bail application is directed to be segregated from the connected case i.e. CRM-M-44620-2021 and is taken up for hearing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.349 dated 21.12.2019 under Sections 302, 201, 34 IPC, registered at Police Station IMT, Rohtak, District Rohtak.

The learned counsel for the petitioner has submitted that the petitioner is a boy of the age of 23 years and he has been falsely implicated in the present case and even as per the allegations contained in the FIR, the deceased and the other co-accused, namely, Vikas had an enmity with each other and the aforesaid Vikas has been named in the FIR but thereafter on the basis of the disclosure statement of Vikas, the

name of the petitioner was nominated whereas the petitioner had no role to play in the present offence. He submitted that the petitioner was arrested on 10.2.2020 and thereafter he developed severe kidney disease and was referred to the Department of Nephrology at PGIMS Rohtak. He has further submitted that the petitioner had earlier filed regular bail application before the learned trial Court and he was released on interim bail on the basis of his medical condition and after completion of the same, he surrendered well in time. He submitted that thereafter he has filed the present petition and this Court had also released him on interim bail due to his medical condition and thereafter it was also extended once and thereafter he has also surrendered well in time. He further submitted that the petitioner is not involved in any other case and has no criminal history at all. He submitted that the charges in the present case were framed on 23.3.2021 which is almost one year but till date no prosecution witness has been examined and as per the facts and circumstances of the present case there is no eye-witness in the present case and in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that it is correct that the petitioner was arrested on 10.2.2020 but his actual period after deducting the period of interim bail comes to about one year and nine months. He has also submitted that it is correct that the petitioner was granted interim bail both by the learned trial Court and this Court and he has surrendered well in time. So far as the medical history of the petitioner is concerned, an affidavit dated 11.2.2022 has been filed

wherein it has been stated that as per the record at the time of admission of the petitioner in the jail his general condition was recorded as normal but when he re-admitted after availing interim bail, he was suffering from kidney problem and he was under treatment from a private multi specialty hospital, Rohtak and his medical condition was recorded as poor and during his stay in the jail, as per record, he visited the jail hospital several times and attends the OPD with the complaints of Scabies, PUO, UTI, Vomiting, Headache, Swelling over face, fungal infection, Nephrology, Epigastric Pain, Burning Micturition and he was treated by the doctor on duty according to the same and he was also thereafter sent to PGIMS Rohtak, Department of Nephrology, COD and SOD number of times and he was even admitted in the PGIMS Rohtak in the Department of Medicines and Nephropathy and now he is being treated regularly. He submitted that so far as the petitioner is concerned, his name was nominated on the basis of a disclosure statement made by the co-accused, namely, Vikas who has been mentioned in the FIR.

I have heard the learned counsels for the parties.

The petitioner is in custody for about one year and nine months after excluding the period of interim bail earlier granted by the learned trial Court due to the aforesaid medical condition and thereafter this Court has also granted interim bail which was thereafter continued for some time and the petitioner has surrendered well in time. As per the learned counsel for the parties, the petitioner has no criminal background and is not involved in any other case. The charges were framed on 23.3.2021 but no prosecution witness has been examined as of date. The

medical condition of the petitioner is also not in dispute. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice. Therefore, this Court is of the considered opinion that considering the long custody of the petitioner and also the medical condition of the petitioner, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

March 09, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No