

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

215

CRM-M-17109-2022
Date of decision: 09.05.2022

Sameer Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Mr. Vikas Kumar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.683 dated 26.11.2020 lodged under Sections 323, 324, 341, 379-B, 427, 506 and 34 IPC (Section 326 IPC added lateron) registered at Police Station Mujesar, District Faridabad.

At the outset, learned counsel for the petitioner submits that in the wake of the poor health condition of the petitioner, who admittedly is suffering from tuberculosis, he be extended the concession of interim bail on medical grounds so that he can be taken care of by his family at his home and nursed by them. He restricts his prayer to this limited extent only.

Learned State counsel assisted by learned counsel for the complainant on instructions has not been able to dispute that even as per the report received from the doctor of the jail concerned where the

petitioner is currently lodged, his condition is not good and he has undergone a couple of surgeries. Learned State counsel has drawn the attention of this Court to the reply filed by way of an affidavit of Assistant Commissioner of Police, Mujesar, Faridabad. He has also drawn the attention of this Court to the medical report of the Medical Officer of District Jail, Faridabad which is annexed as Annexure R-2.

I have heard learned counsel for the parties and perused the material placed on record.

It would be apposite to reproduce certain relevant extracts of the medical report of the Medical Officer, which reads thus:-

"After examination by the jail medical officer and after giving primary necessary treatment, we referred him to Civil Hospital, Faridabad for specialist opinion and as per prescription by specialist doctor's Civil Hospital, Faridabad, the same treatment was provided in jail hospital.

In spite of medicine the symptoms of the patient was not relieved after that doctors of the Civil Hospital Faridabad referred him to Safdarjung Hospital New Delhi for further management and treatment where he was admitted from 10.11.2021 to 26.02.2022.

In Safdarjung Hospital New Delhi, he was diagnosed with perforation with entro atmosphric fistula with koch's abdomen peritonites and his exploratory laporotomy under general anethisia with urobag laparostomy with peritoneal lavage was done.

His intra operating findings were multiple small bowel perforations with abdominal cocoon formation was present.

For the same he was admitted there and discharged on dated 26-02-2022. Medical reports from Safdarjung Hospital New Delhi are attached here with.

At present patient is admitted in Civil Hospital Faridabad from 11-04-2022 to till date, as the patient overall general condition was serious and he is a case of koch's abdomen that is tuberculosis with perforated abdomen."

In the facts and circumstances particularly in view of the serious medical condition of the petitioner, this Court deems it

appropriate to extend the concession of interim bail on medical grounds to him for three months.

The petitioner be admitted to interim bail for a period of three months to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioner shall surrender in the jail he is lodged, on 08.08.2022.

The instant petition is disposed of accordingly.

09.05.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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