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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21985-2022
Date of decision: 29.07.2022

VIJAY

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR, 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.0321 dated 03.07.2020, under Section 302 of the IPC, registered at Police Station Azad Nagar Hisar, District Hisar, Haryana.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said FIR and is in custody since 04.07.2020. Being a patient of HIV disease, which is a serious medical condition, he would be entitled the concession of regular bail.

Learned State counsel would oppose the grant of regular bail to the petitioner on the ground that the petitioner herein has been nominated as an accused in the aforesaid FIR for murdering his wife Sushila. It is submitted that the trial Court seized of the matter has already given specific instructions for making sure that the petitioner herein is given regular medical treatment on account of his medical condition i.e. AIDS (HIV). The Additional Sessions

Judge, Hisar by an order dated 15.07.2022 has passed a stringent order to the effect that any lapse on the part of the jail officials in giving proper medical treatment to the petitioner herein would be taken note of seriously. He would further submit that in view of the adequate provisions already having been made, there is no reason for allowing the concession of regular bail to the petitioner herein especially in view of the fact that the trial is likely to conclude as out of total 17 prosecution witnesses cited, 11 have already been examined.

I have heard learned counsel for the parties and have also perused case file.

Without commenting on the merits of the case, I find that the trial is at the fag end as out of total 17 prosecution witnesses cited, 11 have already been examined. The next date before the trial Court is 06.08.2022 and the trial Court has made adequate provisions for looking after the petitioner herein, who is an HIV patient and has ensured that adequate and proper medical treatment is made available to him. There is no merit in the instant petition and the same is dismissed.

However, trial Court is directed to expeditiously conclude and dispose of the trial, preferably within a period of six months from the date of receipt of the certified copy of this order, in accordance with law.

Anything observed or said in this order is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

29.07.2022

Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No