

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

CRM-M-24835-2020 (O&M)

Date of decision: 03.02.2022

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 168 dated 25.06.2020 registered under Sections 304, 34 of the IPC at Police Station City Nuh, District Mewat.

The operative part of the order dated 28.08.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Inter alia submits that the petitioner is not Ashok, son of Bhagat Singh, who is the main accused. This is evident from the reply filed by the police before the Court of Session in response to the petitioner’s application for grant of anticipatory bail.

Notice of motion.

Mr. Munish Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State and waives service.

Adjourned to 18.11.2020.”

Thereafter, this case is pending and the interim order is continuing.

Learned counsel for the petitioner has referred to an inquiry report dated 24.06.2020 of the Medical Negligence Board, wherein under the signatures of six doctors, it is opined as under:

“It is clear cut case of gross Medical Negligence on part of Jeevan Hospital, Nuh and all the 3 persons (Mr. Ashok Kumar GNM, Mr. Yogender Kumar L.T. And one female associate) does not have required qualification for performing any Anaesthetic or Surgical intervention.”

Learned counsel for the petitioner further submits that Ashok Kumar GNM, who is the son of Bhagat Singh, is a different person than petitioner Ashok Kumar, whose father's name is Dhan Singh and as per Medical Negligence Board, the petitioner is not found to be negligent.

It is further submitted that two of the co-accused have already been granted the concession of anticipatory bail.

Learned counsel for the petitioner further submits that the petitioner, in pursuance to the order dated 28.08.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on the basis of the affidavit of DSP (Hq.), Nuh, which is based on the aforesaid inquiry report of, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that the petitioner was granted interim bail on 28.08.2020 and almost a period of one and a half year has lapsed and there is no complaint against the petitioner that he is either misused the bail or has tried to influence the

prosecution witnesses, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 28.08.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

03.02.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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