

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26853-2022 (O&M)
Date of Decision:-29.9.2022

Vinod ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Singh, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.249 dated 18.5.2022, Police Station Adarsh Nagar, Ballabgarh, District Faridabad, under Sections 120-B, 193, 419, 420, 465, 468 and 471 of Indian Penal Code.
2. The allegations, in nutshell, are that one Jamshed, who had been booked in FIR No.559 dated 14.12.2021, Police Station Adarsh Nagar, Faridabad, under Section 29/22-C-61-85 of NDPS Act, had applied for grant of *interim* bail before the trial Court on medical grounds and had furnished the medical certificate/discharge summary issued by the hospital of the petitioner but upon inquiry it was found that the medical certificate/discharge summary in question was a false and a forged document and had been issued by the

hospital being run by the petitioner in connivance with the aforesaid Jamshed.

3. At the time of issuance of notice of motion, the following order was passed on 20.06.2022:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for anticipatory bail to the petitioner in case FIR No.249 dated 18.05.2022 registered under Sections 120-B, 193, 419, 420, 465, 468 and 471 IPC, at Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

Learned counsel appearing for the petitioner inter alia contends that the allegation against the petitioner is that the discharge summary of one accused, namely, Jamshed was purportedly prepared in the hospital which is owned and run by the petitioner.

Learned counsel further submits that the case against the petitioner is based on the documentary evidence and that the said record already stands furnished to the investigating agency and that no recovery of any nature is to be effected from the petitioner. He further contends that the petitioner does not have any other criminal antecedents and that he is ready and willing to join the investigation as and when required to do so.

Notice of motion.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 10.08.2022, for further consideration.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that although the petitioner has joined investigation but is not fully cooperating inasmuch as the original of the medical certificate/discharge summary has not been produced. It has, however, been informed that the petitioner is not involved in any other case.
5. This Court has considered the rival submissions addressed.
6. A perusal of the discharge summary (Annexure P-1) shows that the same is apparently computer generated/printed with the help of computer and printer. Such like print-out of discharge summary would be handed over to the patients and the date would normally be retained in the computer itself. It is not disputed that the computer being maintained in the hospital has already been taken into possession by the police. In these circumstances, this Court finds that once the petitioner has joined investigation, he cannot be declined the relief of anticipatory bail on the ground that the original of the discharge summary has not been produced by the petitioner inasmuch as it cannot be said with certainty that there was any other hard copy, when the discharge summary had been printed with the help of a computer.
7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 20.6.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

29.9.2022

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**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No