

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

CRM-M-29745-2022(O&M)
Date of decision:-18.7.2022

Sewa Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Ishan Gupta, Advocate the petitioner.

Mr.Sandeep Vermani, Addl.A.G., Punjab.

H.S. MADAAN, J. (Oral)

1. Petitioner Sewa Ram, an accused in FIR No.291 dated 16.10.2020, under Sections 120-B, 419, 420, 170, 171, 342, 395, 411, 483, 465, 467, 468, 471 IPC read with Section 34 IPC and Sections 25 and 30 of Arms Act, registered with Police Station Bhawanigarh, District Sangrur by way of filing the instant petition, which is 4th one under Section 439 Cr.P.C., prays for grant of interim bail for a period of 6 months to enable him to remain with his wife Manpreet Kaur, who is required to undergo surgery for kidney transplantation.

2. It may be mentioned here that earlier three petitions filed by the petitioner for regular bail had been dismissed.

3. The State counsel had been asked to get the assertions in the petition verified and to file response in that regard. It has accordingly been done. As per the report submitted by SHO P.S. Bhawanigarh, the matter was got inquired from the village of petitioner Sewa Ram and it came out that his parents have expired and Manpreet Kaur wife of the petitioner had been residing in the village along with three children eldest being daughter, namely, Anjali Masal, aged about 22 years, a student of LLB, followed by son Mahesh Kumar, aged about 20 years, a student of B.com. and then another son namely Asool Kumar aged about 18 years, a student of 10+2 class. It further came out that Ms.Manpreet Kaur wife of petitioner Sewa Ram is getting treatment from DMC Hospital, Ludhiana for ailment relating to kidney. A report in that regard obtained from Dr.Harmandeep Singh Chahal of DMC Hospital, Ludhiana has been attached.

4. I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

5. This petition is to be considered on humanitarian grounds and merits of the case are not to be looked into in terms of judgment

Surendra Pundalik Gadling Versus Senior Inspector of Police, National Investigation Agency, Bombay (DB), Law Finder doc Id # 1861081.

6. In support of his contentions, counsel for the petitioner further relied upon judgment **Mukesh Kishanpuria Versus State of W.B.(2010) 15 SCC 154** and **Sukhwant Singh Versus State of Punjab 20-09(4) RCR(Criminal) 868.**

7. The wife of the petitioner, who is to be operated upon for kidney transplantation, the petitioner being the eldest male member may

have to arrange finances and to make other arrangements. Further, the presence of the petitioner with her at that time is found to be proper and desirable to give her emotional support and boost her morale. Therefore, although the petitioner is seeking interim bail for 6 months, but I find that this period is on higher side. Therefore, while allowing the present petition for grant of interim bail, it is clarified that the same would be for the period of one month only, subject to the following terms and conditions:

- (i) The petitioner shall furnish personal bonds along with two sureties in the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sangrur, undertaking to surrender at gate of Central Jail, Patiala on expiry of period of interim bail, one of the surety would be having documentary proof of immovable properties equivalent or more than the surety amount within the jurisdiction of that Court;
- (ii) the petitioner shall get his presence marked at Police Station Bhawanigarh on every Saturday between 10:00 a.m to 4:00 p.m. and he would give in writing that he has not committed any crime in the intervening period; and
- (iii) he shall surrender his passport before the Investigating Officer, if he has got one, otherwise he will furnish affidavit that he does not possess any passport.

8. The period of interim bail shall start from the date when the bonds are furnished and accepted by the Chief Judicial Magistrate/Duty Magistrate, Sangrur. The petitioner will surrender at Central Jail, Patiala on the expiry of period of one month after being released on interim bail.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

18.7.2022
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No