

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-30103-2022**

DATE OF DECISION: AUGUST 22, 2022

NISHANT @ NISHU ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

2. **CRM-M-30411-2022**

NISHANT @ NISHU ...PETITIONER

VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. S.S. DUHAN, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, SR.DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed two separate petitions under Section 439 Cr.P.C. for extension of interim bail granted to him in case FIR No.389 dated 13.11.2021 under Section 279, 336, 34, 379B, 397 IPC (Section 201 IPC added later on) and Section 25, 54, 59 Arms Act, 1959, and FIR No.390 dated 13.11.2021, under Section 307, 34, 120-B IPC and Section 25, 54, 59 Arms Act, 1959, Police Station IMT, Rohtak, District Rohtak.

Learned counsel for the petitioner has argued that earlier vide order dated 23.3.2022, passed by this Court, the petitioner was released on interim bail for four weeks, as he suffered fracture of his both legs and underwent surgery, which was later on extended till 22.7.2022, vide order dated 22.4.2022, passed by this Court. Learned counsel submits that as the

petitioner would still require 6-8 months to recover, therefore, the interim bail granted to him be extended for another 8 months.

On 20.7.2022, learned State counsel sought more time to file response to verify the exact health status of the petitioner. Today, he has filed separate replies by way of affidavit of Dr. Ravinder, H.P.S., Deputy Superintendent of Police, Rohtak and Ms. Medha, I.P.S., Assistant Superintendent of Police, Sampla alongwith medical report of Dr. Manish Dhawan, Senior Consultant, Orthopaedic Surgeon, Sir Ganga Ram Hospital to the effect that the petitioner will require 6-8 months to recover, which reads as under:-

“This is to certify that Mr. Nishant, 20 years old male was admitted in Sir Ganga Ram Hospital on 24.06.2022 vide registration No.3028066. He was diagnosed as a case of Infected non union both bone leg right. He underwent surgery in the form of debridement of wound + Excision of infected bone + rail fixator application right tibia done on 27.06.2022. He was discharged on 01.07.2022. Again he was admitted on 25.07.2022 and underwent surgery in the form of corticotomy for bone transport right side was done on 25.07.2022. At present patient is having rail fixator in situ for bone transport. Approximate length of segmental bone gap on x-ray dated 28.06.2022 on anterio and posterior view is 5cm. After 7 days of corticotomy process of bone transport was started. Therefore the approximate time for bone transport will be around 50 days. Thereafter the approximate time for bone

transport will be around 50 days. Thereafter for consolidation of the regeneration approximately 2.5 times the time of bone transport is required (approximately 125 days). Thereafter the decision of rail fixator removal will be take depending on the quality of regeneration alignment of bone and other soft tissue condition. So patient will be having rail fixator in situ for approximately 6-8 months. After rail fixator removal patient will be give plaster cast followed by brace for further rehabilitation.”

Considering the above ground raised for extension of interim bail as well as the medical report alongwith the reply submitted by the State, this Court finds that the limited prayer made by the petitioner deserves acceptance.

Resultantly, both the petitions are allowed and it is ordered that the interim bail granted to the petitioner be extended for another 8 months in both the cases on the same bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitioner is directed to surrender himself before the concerned Jail Authorities on 21.4.2023, before 5.00 p.m.

August 22, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No