

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33155-2022

DATE OF DECISION: AUGUST 9, 2022

MUKESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIKAS BISHNOI, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of interim regular bail pending trial in case FIR No.358 dated 8.9.2018, under Section 120-B, 34, 420 IPC, Section 4, 5, 6 of Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (Section 406, 467, 468, 471 IPC and Section 3(2) Haryana Protection of interest of Depositors in Financial Establishment Act, 2013, added later on), Police Station, Sadar Fatehabad, to enable him to attend his ailing wife who is to undergo surgery.

Learned counsel for the petitioner has submitted that in the said FIR, the investigation is complete and final report has been submitted, but the trial is yet commence, as charges have not been framed and the petitioner is presently confined in judicial custody. Learned counsel has drawn the attention of the Court to the medical report (Annexure P-5) of the wife of the petitioner, namely, Mamta Rani to contend that she is suffering from Uterus disorder and requires surgery. According to him, for the said purpose, the concession of interim regular bail was extended to the petitioner by the

Addl. Sessions Judge, Fatehabad, vide order dated 23.6.2022 (Annexure P-4). As the surgery was not performed because of other complications, therefore, the petitioner had surrendered in time and his request for extension of interim bail was declined by the Addl. Sessions Judge, Fatehabad vide order dated 22.7.2022 (Annexure P-6). He submits that now the surgery has been planned in the coming weeks, therefore, he prays for concession of his release on interim bail for forty five days.

Learned State counsel assisted by ASI Sajjan Kumar does not dispute this fact and has produced the copy of the medical report by Dr. Deepika, Sankalp Hospital, Hisar, which indicates that indeed the petitioner's wife is to undergo surgical procedure in the next two weeks. Learned State counsel on instructions further states that there is no other member in the family to take care of the wife of the petitioner.

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

Resultantly, the petition is allowed and it is ordered that the petitioner be released on interim bail for four weeks in the above case, subject to his furnishing requisite 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 8.9.2022, before 5.00 p.m.

August 9, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No