

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

211

CRM-M-37435-2022

Date of Decision : **September 16, 2022**

HANUMAN

.....Petitioner

***VERSUS***

STATE OF HARYANA

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Vikas Bishnoi, Advocate  
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

**JASGURPREET SINGH PURI. J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of interim regular bail to the petitioner in case FIR No.238 dated 7.7.2020 under Section 346 IPC (during investigation Sections 328, 364, 302, 201 and 34 IPC were added and thereafter Section 346 IPC has been deleted), registered at Police Station Sadar, Fatehabad, District Fatehabad for a period of 30 days on the ground that the petitioner is suffering from multiple number of ailments including Diabetic Mellitus, high blood pressure, diabetic neuropathy and various other ailments and is of the age of 55 years. He submitted that the State was directed to file an affidavit after getting the petitioner checked up from one Jindal Hospital, Hisar and the same was done and today the State has also filed an affidavit in this regard.

He further submitted that the petitioner is in custody from

5.10.2020 which is almost one year and 11 months and 4 out of 38 witnesses have already been examined including the complainant who is the son of the petitioner and he did not support the prosecution version and was declared hostile. He submitted that even otherwise also as per the allegations in the FIR the petitioner was not named and it was only thereafter on the basis of the supplementary statement of the complainant that the petitioner was nominated but now the complainant has not supported the prosecution version at the time of trial. He further submitted that the petitioner is not involved in any other case and he is only seeking interim bail for a period of 30 days to get himself treated properly from a Hospital of his choice.

On the other hand, the learned State counsel has stated that an affidavit has been filed by the DSP Jail, Central Jail-2, Hisar and while referring to the affidavit which was filed in pursuance of the order passed by this Court, he submitted that the petitioner is now normal and at present he does not require any admission of treatment from multi-specialty Hospital and he was got checked up from the Jindal Hospital, Hisar. The prescription slips and the medical record of the petitioner is also attached with the affidavit.

I have heard the learned counsels for the parties.

The petitioner is only seeking interim bail for a period of 30 days for getting himself properly checked up for medical purposes. He has already faced incarceration for one year and 11 months and is not involved in any other case. The complainant who is the son of the petitioner and on whose supplementary statement the petitioner was

nominated did not support the prosecution version at the time of trial and was declared hostile.

A perusal of the affidavit filed by the State shows that the condition of the petitioner is normal and hence there is no need for admission or treatment from multi-specialty hospital. However, a perusal of the prescription slip of O.P.Jindal Institute of Cancer and Cardiac Research would show that the petitioner is infact a patient of dyslipidemia, CAD and HTN, mildly enlarged prostate. The medical record/prescription further shows that the blood sugar is 315 and HBA1c is 9.8% and apart from the same, opinion from Urology Department is also sought for in addition to opinion from Cardiology and Neurology Departments and it also records that the petitioner has been referred for but the petitioner has refused for getting the opinion. The learned counsel for the petitioner has submitted during the course of arguments that the reason for refusal was that the test cost was extremely expensive and the same can also be conducted from some different hospital.

After going through the prescription of O.P.Jindal Institute of Cancer and Cardiac Research it can be seen that infact the petitioner is suffering from multiple ailments including including Diabetic Mellitus, high blood pressure, diabetic neuropathy and for that purpose treatment may be required from the respective Cardiology and Neurology Departments especially for complications of diabetes, BP and blood sugar of the petitioner is recorded as 315 and HBA1c is 9.8% itself is suggestive of the fact that the petitioner is suffering from acute Diabetic Mellitus and various other ailments and there are chances of further

complications.

In view of the aforesaid position, this Court is of the view that the petitioner deserves the concession of interim bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on interim bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

The date and time of the release and surrender shall be determined by the learned trial Court. After the expiry of the period of 30 days, the petitioner shall surrender back to the jail authorities.

September 16, 2022  
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(JASGURPREET SINGH PURI)  
JUDGE

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