

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48014-2022

Date of Decision: 31.10.2022

Deepak @ Dholu

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Sharma, 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 read with Section 482 of the Code of Criminal Procedure for grant of interim bail to the petitioner for 15 days.

It has been submitted by the learned counsel for the petitioner that the father of the petitioner is suffering from stage 4 of cancer and he is in a critical condition. He submitted that although he was treated from the PGI, Rohtak but now he needs to get treatment from some other Super Speciality Hospital including Sawai Man Singh Hospital, Jaipur. He further submitted that the petitioner is the only male child of the parents and his three sisters are married at different places. He further submitted that even the mother of the petitioner is also not keeping good health and therefore, has prayed that interim bail for 15 days may be granted to him to look after his father and get him treated from a Super Speciality Hospital. He further submitted that the petitioner was earlier granted interim bail

twice by the learned trial Court which he had availed and he had surrendered back in time and has never jumped the bail and has submitted that in view of the aforesaid peculiar facts and circumstances, he may be considered for the grant of interim bail for a period of 15 days.

Mr. Surinder Dagar, learned DAG, Haryana has stated that in pursuance of the orders passed by this Court dated 17.10.2022 whereby the State was directed to verify with regard to medical condition of the father of the petitioner a report has been received from the concerned police officer and vernacular of the same has been provided to the Court during the course of arguments. Alongwith the report, a certificate of Senior Professor and Head, Department of Radiation Oncology, PGI, Rohtak dated 19.10.2022 has also been attached in which it has been stated that the father of the petitioner was diagnosed as a case of Carcinoma Oropharynx, stage IVA and was administered concomitant chemoradiation from 08.06.2022 to 22.07.2022. He was last checked up on 23.07.2022 in Radiation Oncology OPD. He submitted that so far as the fact that the father of the petitioner is suffering from stage 4 of cancer, the same has been verified not only from the doctors but also from the co-villagers and according to the enquiry, the father of the petitioner is on the bed and his mother is also not keeping good health and he is the only male child of the parents.

I have heard the learned counsel for the parties.

The prayer of the petitioner is for the grant of interim bail for a period of 15 days only due to peculiar circumstances as stated by learned counsel for the petitioner that the father of the petitioner is suffering from stage 4 of cancer and he was treated from PGI, Rohtak and he is in a critical

stage and he can still get treatment from further Super Speciality Hospital including Sawai Man Singh Hospital, Jaipur. The petitioner is only male child of his parents. During the course of arguments it has been stated by the learned counsel for the parties that the petitioner is not a habitual offender and is not involved in any other case and earlier also he was granted interim bail twice by the learned trial Court and he surrendered in time and did not jump bail. Therefore, considering the aforesaid peculiar facts and circumstances, this Court deems it fit and proper to grant interim bail to the petitioner for a period of 15 days in the light of Article 21 of the Constitution of the India.

Consequently, the present petition is allowed. The petitioner shall be released on interim bail for a period of 15 days subject to furnishing adequate bail bond/surety bond to the satisfaction of learned trial Court/Duty Magistrate concerned. The time and date of his release and his surrender shall be fixed by the learned trial Court.

31.10.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No