

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-47954-2022

Date of Decision:-09.12.2022

Gurcharan Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Satbir Singh Gill, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.45 dated 10.02.2021 under Sections 379-A IPC registered at Police Station Civil Lines, Sirsa, District Sirsa (Haryana).

The present FIR came to be registered at the instance of Raj Kapoor who stated that on 10.02.2021 at about 3.30 in the afternoon when his mother Bhagwani Devi was sitting in the sunlight in front of their house, one unknown person came from the side of main Hisar road and snatched her ear rings from both the ears. On hearing the noise of his mother, he came out from the house and his mother disclosed the incident to him. Thereafter, the present FIR came to be registered.

The Counsel for the petitioner contends that the petitioner is not named in the FIR and has been falsely implicated in the present case.

The material witnesses namely Raj Kapoor, complainant and victim Bhagwani Devi have already been examined on 26.04.2022 and therefore there was no apprehension of pressuring or threatening the prosecution witnesses in case the petitioner was granted bail. He was in custody since 10.02.2021 and only three out of the 08 prosecution witnesses have been examined so far. His son is suffering from an acute heart condition which requires constant care and therefore, he prays for the grant of bail.

The Counsel for the State on the other hand has filed a reply dated 03.12.2022. While referring to the reply, the counsel contends that the supplementary statement of the complainant was recorded wherein he named the present petitioner. The identification parade of the petitioner was conducted in the presence of the witnesses who identified him. Two ear rings were recovered from him and have been got identified from the victim. The petitioner is an accused in as many as 06 other cases and, therefore, the conduct of the petitioner did not entitle him to the grant of bail. He however, fairly admits the fact that the son of the petitioner is suffering from a medical condition known as “Dilated Cardiomyopathy” and he needs regular follow up treatment for this disease.

I have heard learned Counsel for the parties at length.

The petitioner is in custody since 10.02.2021. The complainant and the victim both stands examined. Undoubtedly the petitioner is an accused in 06 other cases. A perusal of the list of cases would show that in two cases under the Gambling Act he has been convicted and sentenced to payment of fine. In one case, he has been sentenced for a period of one year whereas in three other cases, the trials are pending and he is stated to be in custody. However, it is equally true that the son of the petitioner is of the

age of 19 years and is suffering from a condition called “Dilated Cardiomyopathy” as is borne out from the State reply as well as Annexure R-2 and he needs constant care and regular follow up. In the peculiar facts and circumstances of the case, petitioner can be granted the concession of bail so as to be able to provide proper medical treatment to his son.

Thus, without commenting on the merits of the case, the present petition is allowed and petitioner-**Gurcharan Singh** son of Sh. Ajit Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the cases mentioned in the reply of the State.

In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

Petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 09, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>