

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

299

CRM-M- 56894 of 2022

Date of Decision:07.12.2022

Tushar Sharma

....Petitioner(s)

Versus

State of U.T. Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Tushar Wadhwa, Advocate,
for the petitioner.

Mr. P.S. Paul, Addl. PP, U.T. Chandigarh.

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 on account of medical emergency of the brother of the petitioner for a period of four weeks in FIR No.81 dated 06.08.2022, under Sections 406 and 420 IPC, registered at Police Station North, District Chandigarh.

Learned counsel for the petitioner has submitted that the brother of the petitioner met with an accident and he is in critical condition and his surgery is to be performed at PGI Chandigarh on 09.12.2022. He further submitted that in the family of the petitioner there is only aged old mother of the petitioner having various ailments and is also handicapped and there is no other member of the family to take care of the brother of the petitioner and the surgery is to be performed immediately as earlier he was also in coma.

This Court on 06.12.2022 had issued notice of motion wherein the learned Addl. PP, U.T. Chandigarh had accepted notice and he was directed to verify the medical condition of the brother of the petitioner.

Today learned State counsel appearing on behalf of U.T. Chandigarh has stated, on instructions from ASI Swaran Singh, that it has been verified that the brother of the petitioner met with a severe accident and he is now to be operated at PGI Chandigarh on 09.12.2022 and there is no other male member in the family to take care of him.

The allegations in the present case pertain to Sections 406 and 420 IPC which is a case triable by the Magistrate. The petitioner is stated to be already in custody for the last three months.

Considering the aforesaid position as verified by the learned counsel appearing on behalf of U.T. Chandigarh, this Court deems it fit and proper to grant interim bail to the petitioner. Consequently the present petition is allowed and the petitioner shall be released on interim bail for a period of four weeks subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned and he shall thereafter surrender on 04.01.2023 before the jail authorities concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 07, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No