

CRM-M-4160-2023

Date of decision: 17.02.2023

Iliyas Mew

...Petitioner

versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Krishan K. Chahal, Addl. AG, Haryana.

NAMIT KUMAR, J. (ORAL)

This is a petition under Section 439 Cr.P.C. seeking interim regular bail for three months in FIR No.278 dated 24.04.2022 (Annexure P-1) under Section 15 of NDPS, Act and (Sections 27-A and 29 added later on) registered at Police Station Sadar Thanesar, District Kuruskehtra to the petitioner keeping in view his critical condition.

Learned counsel for the petitioner submits that as per the discharge summary dated 17.01.2023 (Annexure P-4), the petitioner has already underwent orthopaedic surgery of close interlocking nailing with Titanium tibial nail + I/L screw fixation and he has been suggested another surgery.

In pursuance to notice of motion, Ld. State counsel has filed the reply dated 31.01.2023 and 08.02.2023. Vide Annexure R-1/A (attached to reply dated 08.02.2023, the opinion of Senior Professor and Head Burns and Plastic Surgery, Department PGIMS, Rohtak, dated 04.02.2023 is reproduced as under:-

“C/o RSA with h/o operated case of # fracture tibia with heal pad avulnon O/E necrosis of heal pad the right side.

Advise Patient need debridement and further surgical interventions as needed for his R heal pad wound”.

Learned counsel for the petitioner has also produced photographs of injured leg of the petitioner.

Heard counsel of both the parties and perused the records.

Keeping in view the medical condition of the petitioner and on the basis of opinion dated 04.02.2023 given by Senior Professor and Head Burns and Plastic Surgery, Department PGIMS, Rohtak, accused-petitioner is directed to be released on interim bail for 3 months i.e. 18.02.2023 to 18.05.2023 on his furnishing bail bonds and surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate/concerned trial Court. The petitioner shall surrender before the jail authorities on 19.05.2023 at 11:00 a.m. However, in addition to conditions that may be imposed by the CJM/Duty Magistrate/trial Court concerned, the applicant shall remain bound by the following conditions:

- (i) The applicant shall not misuse the liberty granted.
- (ii) The applicant shall not tamper with any evidence oral or documentary during interim bail.
- (iii) The applicant shall not commit any offence similar to the one alleged in the present case.
- (iv) The applicant shall deposit his passport, if any with the trial Court.
- (v) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

The present petition stands disposed off.

17.02.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No