

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

CRM-M-5405-2023

Date of decision : 10.04.2023

Sawan

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 read with Section 482 Cr.P.C seeking his release for a month on interim regular bail, in case FIR No.435 dated 03.06.2020 registered under Sections 186, 279, 307, 337 and 353 Indian Penal Code, 1860 and Sections 3/181, 39/192, 148/196 of Motor Vehicle Act, 1954 (Sections 307 and 337 IPC deleted later on) at Police Station Model Town (Old Industrial Area), Panipat, District Panipat.

Learned counsel for the petitioner submits that the petitioner was falsely implicated in the above FIR, wherein the offence punishable under Section 302 IPC was added subsequently. He submits that the petitioner's mother is suffering from P.V. Bleeding and ailment of uterus, who requires an immediate surgery, but as there is no other family member to look after her, therefore, he seeks the concession of interim bail for a period of one month. Further according to the learned counsel, though the petitioner's sister is residing at a nearby place at Karnal, but she being herself pregnant would not be able to attend the ailing mother. In support of his argument, learned counsel

has invited the attention of the Court to the medical record of his mother, namely, Rekha.

In response to the petition, status report by way of affidavit of Sandeep Kumar, HPS, Deputy Superintendent of Police, Traffic, Panipat dated 01.03.2023 was filed and according to it, the petitioner's mother visited the hospital's OPD on 30.09.2022 and as per the opinion of the General Surgeon, she required surgical treatment, but the patient refused for surgery and never attended the OPD. The relevant para is extracted below:-

“That thereafter SI Kanhiya Lal, again visited the aforesaid hospital on 12.02.2023 and 28.02.2023 then it was found that “petitioner's mother came in this hospital in OPD on 30.09.2022 and blood test and USG done on 03.10.2022, according to General Surgeon and gynecologist patient (petitioner's mother) need surgical treatment on dated 03.10.2022, but patient (petitioner's mother) refused for surgery and after that patient for follow up on 02.12.2022. Then petitioner's mother never attended the OPD and IPD and surgery till 28.02.2023.” It is pertinent to mention here that the regarding this fact undertaking dated 12.02.2023 and 28.02.2023 also issued by the aforesaid hospital. Copies of the same are attached herewith as Annexure R-2 and R-3 for kind perusal of the Hon'ble Court.”

Apart from it, the status report also highlights the list of approximately 17 cases, wherein petitioner is an accused.

Today, Mr. Sukhdeep Parmar, DAG, Haryana assisted by SI Kanhiya Lal opposes the prayer on the ground that the petitioner not only violated the traffic rules, who instead of stopping his vehicle continued driving and carried the police official (victim) on the bonnet of the car to a long distance, when it collided with some other vehicle, and resulted in serious injuries to the police official. He submits that subsequently, the police official died, therefore, the offence punishable under Section 302 IPC was added.

During the course of hearing, learned counsel for the petitioner is unable to give any specific date fixed for surgery of petitioner's mother and states that as and when the petitioner's mother is admitted, the surgery would be performed in next few days.

Upon considering the above background, particularly the stand of the petitioner's mother, who had previously refused for surgery, and coupled with the fact that even today no date for surgery has been fixed, no ground is made out for release of petitioner on interim regular bail at this stage.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

10.04.2023
vanita

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