

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10431-2023 (O&M)

Date of Decision : 02.03.2023

Sonu Khatri

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Ms. Tanu Bedi, Advocate
for the petitioner.

Mr. Gurmeet Singh, Asstt. Advocate General, Haryana
for the respondent-State.

VIKRAM AGGARWAL, J (ORAL)

CRM-9670-2023

Application is allowed as prayed for subject to just exceptions.

The documents which have been annexed with the present petition, are taken
on record.

CRM-M-10431-2023

Prayer in the present petition filed under Section 439 Cr.P.C. is
for grant of interim bail for a period of 03 months on medical grounds to the
petitioner in case FIR No.51 dated 17.03.2022, registered under Section 8 of
the Protection of Children from Sexual Offences Act, 2012 & Sections 506 &
509 IPC, at Police Station Women, District Karnal.

The allegations against the petitioner are that the petitioner who

is a coach, used to go to different places with sports persons for tournaments. In the year 2019, the daughter of the complainant, who was 17 years old at that time, accompanied the petitioner and his daughter, who was her friend, to France for some practice. All three were staying in the same room. The petitioner is alleged to have molested the minor girl at night. When she objected, the petitioner threatened her that she would be turned out of the game if she disclosed about the incident to anyone. The victim disclosed about the incident to the daughter of the petitioner who did not believe her and instead thought that she was defaming her father. She is also alleged to have threatened the victim and asked her not to talk to anyone in this regard. This continued for more than two months while they were in France and even subsequently whenever the victim used to go out anywhere to play, the petitioner used to molest her. On finding her daughter to be perturbed and as she had started losing one game after the other, the complainant, who is her mother asked her the reason. It is at this point of time that she disclosed about the incidents to her. A complaint was submitted to the police, on the basis of which the instant FIR was registered.

Learned counsel for the petitioner has drawn the attention of the Court to the medical reports Annexures P-12, P-16 & P-17. It has been contended that the petitioner is seriously unwell and his life is in danger. She submits that the petitioner be released on interim bail for a period of three months.

On the other hand, learned counsel representing the respondent-State has opposed the bail application. He submits that the prosecutrix has not yet been examined and if the petitioner is released on interim bail, he may

try to influence the prosecutrix and her mother.

The petition filed by the petitioner for the grant of regular bail was dismissed by this Court vide order dated 09.12.2022 passed in CRM-M-40655-2022. He is stated to have experienced chest pain on the evening of 30.12.2022 in the Jail. He was initially taken to the jail hospital and thereafter referred to Government Hospital, Karnal and thereafter to some private hospitals in Karnal. From there he was taken to PGIMS Rohtak and finally to PGIMER Chandigarh.

The Medical Board, PGIMS Rohtak which was constituted under the directions of the trial Court, has given the following report:-

“In reference to letter Endst No. PGIMS/MB/23.310-13 dated 09.01.2023.

The special medical board met on 11.01.2023 at 12:00 noon in the office of undersigned. Prisoner / patient Sonu Khatri s/o Sh. Karan Singh 47 years male was admitted as a prisoner patient on 31.12.2022 and transferred to 25 ward ICCU as a old case of CVA with hypertention with type 2 diabetes mellitus and now admitted as a case of extensive AWMi (out of window period). ECHO on 6th January 2022 revealed IHD with severe LV dysfunction with EF-15-20% with the large LV Apical Clot. Patient at present is hemodynamically stable and on medical treatment. Patient needs regular follow up and treatment for his illness.

This is for your kind information and necessary action.”

Annexure P-16 is the report given by the Department of Nuclear

Medicine, PGIMER Chandigarh which concluded as under:-

Impression --

Severely reduced to negligible perfusion in the apex, apical segments, mid anterior segment extending to adjacent parts of mid anterolateral and basal anterior segments and rest of the septum, involving 58 –60% of LV myocardium – non-viable myocardium.

Adequate resting perfusion in rest of the segments of LV myocardium – viable myocardium.

The certificate/progress sheet (Annexure P-17) issued by the PGIMER, Chandigarh states that petitioner Sonu is suffering from coronary artery disease alongwith anterior wall myocardial infarction, hypertension, diabetes, ejection fraction of 20-25% and LV clot. It mentions that his coronary angiography was done on 24.01.2023 and requires monitoring for risk of decompensated heart failure and ventricular arrhythmia.

The aforesaid reports show that the petitioner is seriously unwell. He is undergoing a serious health issue and suffered a myocardial infarction. Such episodes can lead to the loss of life which in medical terms is known as 'sudden cardiac death'.

In view of the afore-mentioned medical reports, this Court is of the considered opinion that the petitioner deserves to be released on interim bail on medical grounds for a period of three months which may enable him to recuperate and take proper treatment. The ground that the prosecutrix has not yet been examined and that in the event of release, the petitioner may influence the witnesses is devoid of merit at this stage when the petitioner is undergoing a serious health issue. He is not a previous offender and,

therefore, there is no occasion to deny the grant of interim bail to him in such a condition.

The present petition is, therefore, allowed. The petitioner is directed to be released on interim bail for a period of three months to the satisfaction of the concerned trial Court/Duty Magistrate. The petitioner shall surrender before the Jail Authorities after completion of three months from the date of his release.

(VIKRAM AGGARWAL)
JUDGE

02.03.2023
mamta

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