

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11725-2023

Reserved on: 11.12.2023

Pronounced on: 13.12.2023

KULDEEP SINGH

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Sanjiv Kumar Aggarwal, Advocate, for the petitioner.
Mr. Sumit Jain, Adll. A.G., Haryana.
Mr. J.S. Thind, Advocate, for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.279 dated 11.08.2018 registered at Police Station Rania, District Sirsa under Sections 302/34 IPC.

2. This is the 3rd such petition. Earlier petitions bearing CRM-M-54694-2019 and CRM-M-41838-2020 were dismissed as withdrawn vide orders dated 13.03.2020 and 25.10.2021, respectively, copies of which are Annexures P4 & P5.

3. Allegations are that on 11.08.2018 at about 2:30 PM, petitioner-Kuldeep Singh along with his son Happy @ Balli Singh and Harry @ Harman Singh caused injuries to Monu @ Jagdish Singh with sword, kirpan and knife etc., resulting in his death. After concluding investigation, challan has already been filed. Petitioner is stated to be in custody since 11.08.2018. Trial is still going on.

4. It is contended by Id. counsel that petitioner is suffering from serious medical ailments including Anaemia and Psychiatric symptoms and is bed ridden. He had earlier moved an application for interim bail, which was allowed by Additional Sessions Judge, Sirsa vide order dated 05.01.2023 after considering the medical report submitted by the Medical Officer of District Jail, Sirsa. Id. counsel further contends that petitioner is in custody for the last more than 5 years and that material witnesses have already been examined and so, petitioner be allowed regular bail.

5. Since bail was sought on the medical grounds, so the State was asked to file the report regarding the medical condition of the petitioner and as to whether he can be provided treatment in any Government Hospital or not.

6. Vide affidavit dated 01.12.2023 of Sh. Ajaib Singh, HPS, Deputy Superintendent of Police, Ellenabad, it is informed that medical report of the petitioner has been obtained from the Medical Officer, District Jail, Sirsa, which reads as under: -

“This is to certify that Kuldeep s/o Bahadur was admitted in the District Jail, Sirsa on 12.08.2018. As per the jail records at the time of the admission, his general condition was stable and had history of Alcohol abuse. As per Jail records from 16-07-2021 to 04-08-2022, Patient was started on Anti Psychotic medicines due to Psychiatric symptoms. As per Distt. Jail Dispensary, Sirsa outdoor ticket record, Patient had counseling sessions on 07-05-2022 and 20- 05-2022 for chief complaint of Disturbed sleep and was found to be case of Delusion of grandiosity and Auditory Hallucinations following which Patient was started on the Tab Olanzapine and Tab. Clonazapine by Dr. Pankaj Sharma Psychiatrist Civil Hospital, Sirsa. On dated 14-12-2022. Patient was referred to GH Sirsa due to unstable Vitals and Chief complaint of decreased Appetite & Generalized weakness and on examination Pedal Edema was present, Psychiatric opinion was also done on 14-12-2022. On dated 16-12-2022 Patient was referred to Civil Hospital, Sirsa due to Urinary incontinence and unstable 'Vitals and from Civil

Hospital, Sirsa, Patient was further referred to MAMC, Agroha where Patient was admitted from 17-12-2022 to 21-12- 2022 and was diagnosed to be case of Megaloblastic Anemia with renal calculi and was treated for the same and 2 units of PRBC were transferred along with 1 unit of whole blood on 18-12-2022 and on dated 19-12-2022 respectively. He was referred Civil Hospital, Sirsa in Psychiatry department on dated 14.09.2023 with complaint body ache. Psychiatry opinion done and prescribed medicines. He was again referred Civil Hospital, Sirsa in Psychiatry department on dated 02.12.2023 with complaint of decreased sleep. Psychiatrist advised patient needs long term medicines and prescribed medicines. As of dated 02-12-2023, Patient is under the treatment from Psychiatry department, Civil Hospital, Sirsa.

*Dated:02-12-2023
Place: Sirsa*

*Dr. Sandeep Kumar
Medical Officer,
Distt. Jail, Sirsa.*

7. Though Id. State counsel does not dispute the fact that petitioner is suffering from various ailments as per the medical report and that he is in custody for the last more than 5 years, but bail is opposed by pointing out towards the gravity of offence and that there is direct attribution to the petitioner, who along with co-accused caused the murder of Monu @ Jagdish. It has also been informed by Id. State counsel that out of 18 witnesses cited by the prosecution, 11 have already been examined; and that witnesses already examined include the material witnesses.

8. As per the custody certificate placed on record, petitioner is in custody for the last 5 years 2 months and 24 days. Though he was involved in one more criminal case under Section 302 IPC, but he has since been acquitted in that case as per the custody certificate. As informed by the State counsel that 11 witnesses, including the material witnesses, out of the 18 cited by the prosecution, have already been examined during trial.

9. Having regard to long custody period of the petitioner; his medical condition and the fact that material witnesses already stand examined,

but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

13.12.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No