

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

201

CRM-M-18699 of 2023

Date of decision:29.04.2023

Krishan Kumar Arora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rohit Kapoor, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl.A.G., Punjab
for the respondent.

SUVIR SEHGAL, J. (Oral)

1. This is the third petition filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C, seeking grant of interim bail to the petitioner in case bearing:-

FIR No.	Dated	Police Station	Sections
95	25.02.2020	City Barnala, District Barnala	22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the NDPS Act”), however, Sections 25, 29 of the NDPS Act and Sections 467, 468, 471, 120-B IPC were added later on.

2. Counsel for the petitioner submits that the petitioner, who is 68 years of age, is suffering from parkinson disease, had a fall in the jail premises and suffered fractures. He submits that he has undergone surgery in

both shoulders, his upper limbs are immobile and he is not in a position to perform the day-to-day activities. Counsel submits that at an earlier point of time, petitioner was released on interim bail to take care of his wife, who was diagnosed with cancer, which is at the 4th stage and on both the occasions, the petitioner had surrendered back on time. It is his submission that petitioner be released on interim bail for a period of three months as he has been advised physiotherapy on daily basis and needs advanced diagnoses.

3. Upon notice, State has verified the medical condition of the petitioner and has filed a status report by way of an affidavit.

4. I have heard counsel for the parties.

5. Alongwith affidavit filed by the State, medical status report of the petitioner has been filed, relevant extract of which is reproduced as under:-

“It is for your kind information that Krishan Kumar Arora was referred to Civil Hospital Barnala diagnosed with fractures of Bilateral Humerus Bones and admitted to orthopedic department Civil Hospital Barnala on 29.03.2023 and admitted on same day in Civil Hospital Barnala. The petitioner was sent to Max Super Speciality Hospital Mohali for treatment by order of Ld. Court of Sh. Devinder Kumar Gupta, Addl.Sessions Judge, Barnala on 01.04.2023.

He underwent operation of Right Proximal 1/3rd shaft of

humerus fracture and left proximal shaft of humerus fracture. He underwent treatment ORIF with plating of right humerus and ORIF with nailing left humerus. He was discharge on 09.04.2023. As per medical record of Max Super Specialty Hospital Mohali. He complaints of pain in both upper limbs and unable to move both limbs (arms) since then. He has difficulty in performing day to day daily activities and condition is same. On dated 18.04.2023 inmate referred to MAX Super Specialty Hospital for follow up visit and stitch removal, inmate undergoes for removal of stitches there and inmate complain of restriction of movements at both arms. He needs physiotherapy for better movements. This is for your information please.”

6. On a specific query, State counsel by referring to para 3 of the affidavit, has submitted that as per Prison Rules, it is not possible to provide around the clock attendant to the petitioner. Petitioner was released on interim bail on earlier occasions and there is no allegation that he misused the concession of bail. In two other criminal cases in which the petitioner has been named as accused and is in detention, he has been released on interim bail by a Co-ordinate Bench of this Court, vide order dated 21.04.2023. Keeping in view the above facts and facets, this Court is inclined to accept the prayer made in the petition.

7. Petition is allowed and petitioner is ordered to be released on interim bail for a period of three months subject to the terms and conditions to be imposed by the Trial Court/Duty Magistrate concerned. Period of three

months shall start from the day when the petitioner is released on interim bail.

April 29, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No