

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-29922-2023 (O&M)
Date of decision: 29.08.2023

Amarjit Singh @ Goga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Vishal Garg Narwana, Advocate with
Mr. Sagar Sharma, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.258 dated 12.08.2022, registered under Sections 420 and 120-B IPC and Section 82 of Registration Act, 1908 at Police Station Div. No.7, District Police Commissionerate Ludhiana.
2. Learned counsel contends that the petitioner is in custody for about 4 months after having been arrested on 02.05.2023. There is a delay of 3 years in registration of FIR as the alleged occurrence took place on 20.08.2019. The petitioner is suffering from diabetes Mellitus with Hypertension and history of old Lumber Spine Injury with Paralysis and is on Anticonvulsants treatment. He is unable to walk and do his daily activities without support. Reference is made to the medical record, Annexure P3. Challan stands presented, however, charges have not been

framed and in all there are 14 witnesses. He is not involved in any other case.

3. The custody certificate dated 28.08.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 3 months and 25 days.

4. Learned State counsel opposes the bail on the ground that the complainant was duped of an amount of Rs.26 lac by the petitioner. He is however unable to controvert the submissions made regarding the stage of the trial, petitioner not being involved in any other case and refers to the medical report dated 26.08.2023 of Senior Medical Officer, Central Jail, Ludhiana, as produced, which reads as under:-

“It is stated that UT Amarjit Singh So/ Kartar Singh is a known case of diabetes Mellitus with Hypertension and history of old Lumber Spine Injury with Paralysis and is on Anticonvulsants treatment.

He presented to Jail Hospital on 10.05.2023 with complaint of difficulty in walking and high sugar level. On general examination, patient was unable to walk for which he was admitted at Jail Hospital and put on treatment. He remained admitted at Jail Hospital till 25.05.2023 and discharge from Jail Hospital on 25.05.2023 with advised medication for his complaint.

Thereafter, he was referred to Civil Hospital Ludhiana on 18.07.2023 on emergency basis where he was examined by the EMO and was advised treatment for his complaints. He was again referred to Civil Hospital Ludhiana on 26.08.2023 for specialist consultation where he was examined by the medicine specialist and advised treatment and also advised to keep diabetes under control.

Presently, he is unable to walk without support and complaint of involuntary passes of stool. He is unable to do daily activities without support. Now, he will be referred to Civil Hospital Ludhiana in coming days for further course of treatment.”

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 3 months and 25 days;

not involved in any other case; medical condition of the petitioner; challan has been presented but charges have not yet been framed and in all there are 14 witnesses; the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose

any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

29.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No