

CRM-M-42983-2021
Date of decision: 24.05.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.6 dated 7.1.2018 at Police Station City Faridkot under Sections 406, 420 and 120-B of Indian Penal Code.

The allegations, in nutshell, are that the petitioner alongwith coaccused had cheated the complainant of an amount of Rs.86 lakhs while holding out a representation that two sisters of the complainant would be sent abroad and shall be got permanently settled in Canada.

During the course of previous hearings, learned counsel for the petitioner had represented that the petitioner had met with an accident and is confined to bed. The State had been directed to furnish information in this regard.

State has filed its reply, which is taken on record. Para No.9 of the reply reads as follows:

“That in order to verify the availed medical record of accused/petitioner, the police has sought the report from DMC and Hospital Ludhiana and about the current medical condition of petitioner. In its report the concerned doctors has verified that the accused/petitioner is a case of head injury (right FTP acute subdural hematoma with right PT intra cerebral hematoma with post traumatic seizures, on 06-11-2019). The patient latest examined on 16-11-2021 and found him conscious, obey commands but has left hemiplegia i.e. weakness of left upper limb and left lower limb. Further the report depicted the petitioner has internal catheter in situ. Petitioner is totally dependent on his family members for his day to day activities in view of left sided weakness due

to head injury.”
In view of the aforestated medical condition of the petitioner, it is ordered that the petitioner, in the event of arrest, be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.
List on 22.7.2022.”

2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions. Furthermore, his health condition is still precarious.
3. On instructions from ASI Sukhchain Singh, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required. Furthermore, in reply, it has been mentioned that the patient requires regular antiepileptic.
4. In view of the aforesaid submissions, the order dated 13.01.2022, granting interim bail to the petitioner is made absolute.
5. The petition is allowed.

24.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No