

232

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40056-2023
Date of decision: 31.08.2023

PARDEEP KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Pradeep Duhan, Advocate for
Mr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of interim bail to the petitioner in FIR No.690 dated 03.11.2021, under Sections 307, 285, 34, 120-B of the IPC and Section 25 of the Arms Act, registered at Police Station Azad Nagar, District Hisar, Haryana.

2. Learned counsel appearing on behalf of the petitioner has submitted that the wife of the petitioner has to undergo surgery for removal of uterus and there is no other family member to look after her and has prayed for interim bail to the petitioner for a period of three weeks.

3. This Court after issuance of notice of motion had directed the State to verify the averments made in the present petition as well as submissions made by learned counsel for the petitioner.

4. Status report has been filed by way of affidavit of Deputy Superintendent of Police, Headquarter, Hisar by learned State counsel in Court today, which is taken on record. Copy supplied to learned counsel appearing on behalf of the petitioner.

5. On the other hand, Mr. Surender Singh Pannu, Addl. A.G., Haryana while referring to the aforesaid affidavit submitted that although the wife of the petitioner was having medical ailment and it was recommended to have Laparoscopic assisted vaginal hysterectomy (LAVH) i.e. for the purpose of removal of uterus but in view of the aforesaid facts and circumstances of the present case, the petitioner does not deserve the concession of interim bail. While referring to para No.4 of the said affidavit, he submitted that although the petitioner is only the son of his parents and two of his sisters are married but the petitioner is having a father of the age of 59 and mother of the age of 60, who can look after the wife of the petitioner. He further submitted that during the course of inquiry of medical status of the wife of the petitioner, it was found that apart from his father and mother, the petitioner has four uncles who can also look after his wife in case any medical aid is required. He further submitted that apart from the above, the petitioner is a habitual offender and he is involved in as many as 13 more cases of similar nature. He further submitted that so far as the present case is concerned, the allegations against the petitioner and other co-accused were that they had fired upon the brother of the complainant with the illegal weapon and he received injuries and the other cases in which the petitioner is involved also pertain to such kind of activities and those FIRs also include Sections 302 and 307 of the IPC and Arms Act. He further submitted that the petitioner has already given details of the same in para No.12 of the

petition, in which 12 FIRs have been mentioned but the petitioner is involved in 13 FIRs not 12 FIRs. He further referred to para No.5 of the affidavit to contend that there is reasonable apprehension that in case at this stage the petitioner is granted interim bail then he may again commit such kind of offence especially in view of the fact that material witnesses are yet to be examined and has vehemently opposed the grant of interim bail to the petitioner.

6. I have heard learned counsel for the parties.

7. This Court on the basis of averments made in the petition and submissions made by learned counsel for the petitioner had asked learned State counsel to verify the averments made in the petition and submissions made by learned counsel for the petitioner and thereafter an affidavit of Deputy Superintendent of Police, Headquarter, Hisar has been filed by the State. As per the affidavit, the petitioner has a mother and father at home and as per learned State counsel, while referring to the statement made by the father of the petitioner, there are four uncles of the petitioner who can also look after the wife of the petitioner in case any medical aid is required. The medical ailment of the wife of the petition is with regard to Laparoscopic assisted vaginal hysterectomy (LAVH) i.e. for the purpose of removal of uterus. However, an acute apprehension has been expressed by learned State counsel in view of the fact that the petitioner is a habitual offender and he is involved in as many as 13 more cases of similar nature i.e. under Sections 302 and 307 of the IPC and Arms Act. The material witnesses in the present FIR have yet not been examined and the allegations against the petitioner and other co-accused were with regard to firing upon the brother of the complainant.

8. Therefore, considering the aforesaid totality and circumstances of the present case, this Court does not deem it fit and proper to grant interim bail to the petitioner.

9. Consequently, finding no merit in the present petition, the same is hereby dismissed.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

31.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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