

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-45226-2022
Date of decision:- 12.01.2023

Manmeet alias Monty

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Navjot Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Petitioner has approached this Court for the third time.

Instant petition filed under Section 439 of Code of Criminal Procedure seeking grant of interim bail to the petitioner in FIR No. 26 dated 14.03.2017, Annexure P-1, registered for offences under Sections 148, 149, 285, 302, 364 and 452 IPC, as well as Section 25 of the Arms Act, 1959, at Police Station Mansa Devi Complex, Panchkula, Haryana.

Counsel for the petitioner submits that the petitioner is named as an accused in the above mentioned FIR, Annexure P-1. He has referred to the allegation levelled against the petitioner, as has been noticed by this Court in orders dated 24.04.2020 and 02.08.2022, Annexure P-9 and P-13, respectively, passed by this Court whereby the previous two bail petitions preferred by the petitioner were dismissed. Counsel submits that petitioner filed SLPs against both the orders, but he was unsuccessful.

By referring to the medical record of the father of the petitioner, particularly, Annexure P-5, P-6 and P-16, counsel submits that he is suffering

from recurring depression and had to be hospitalized in the month of December, 2022. He submits that vide order dated 23.12.2022, this Court, by way of an interim arrangement, directed that the petitioner be taken in police custody to the hospital, where his father is admitted, but as the petitioner could not deposit the expenses, he did not get to meet his father. Counsel submits that though petitioner's father has been discharged, yet his health is poor and the petitioner be released on interim bail to look after him.

Per contra, State counsel upon instructions, has opposed the petition. He submits that the petitioner is one of the main accused and is responsible for committing gruesome murder of Virender Singh. As per his instructions, the trial is at an advance stage and most of the prosecution witnesses have been examined. He submits that one of the accused could not be arrested and has been declared as proclaimed offender. An apprehension has been expressed by him that in case the petitioner is released on bail, there is a possibility that he may abscond. He has also made a reference to the status report filed by way of affidavit of Assistant Commissioner of Police, Panchkula.

I have heard counsel for the parties.

Alongwith the status report filed by the State, report dated 25.11.2022 of Dr. Rajeev Trehan, MD Psychiatry, Dr. Trehan Neuro-Psychiatry Clinic, Panchkula, has appended as Annexure R-1. Its relevant extract is reproduced as under:-

“ This is to certify that Amrik Singh Wariach S/O Sardar Inderjeet Singh R/O Bhainsa Tibba MDC Sector 4 Panchkula is suffering from Recurrent depressive disorder & alcohol dependence. He was admitted 10 times in our hospital for treatment. Discharge summary of above

patient is given to Police Officer with attestation by me.

Annexure No 16 attached with CR No. MM45226/22 (sic CRM-M-45226-2022) Punjab & Haryana High Court was issued by me. ”

Petitioner's father has been undergoing treatment for psychiatric disorder with repeated instances of hospitalization. Although, the earlier petitions filed by the petitioner were rejected, but considering his father's condition, this Court deems it appropriate to direct that arrangement should be made, so that the petitioner can visit and meet his ailing father.

In view of the above, State is directed to take the petitioner to his father's residence in police custody as per rules, once in a fortnight, so as to facilitate meeting between father and the son. Superintendent, Central Jail, Ambala, shall make necessary arrangements in this connection. This arrangement shall continue till the conclusion of the trial.

Petition is disposed of.

12.01.2023

Harish Kumar

(SUVIR SEHGAL)
JUDGE

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