

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-47479-2023 (O&M)
Date of Decision: 09.10.2023**

Nitin Lamba

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439(A) read with Section 482 of the Code of Criminal Procedure for grant of interim regular bail to the petitioner in FIR No.166, dated 15.04.2022, under Sections 120-B, 420, 465, 467, 468, 471, 474 of the IPC, registered at Police Station Sector-14, Panchkula, District Panchkula for a period of 3 months on the medical ground.
2. In pursuance of the order passed by this Court on 20.09.2023, the State has filed an affidavit with regard to the medical condition of the petitioner.
3. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 1 year and 2 months and even till date, the charges have not been framed although the challan has been presented qua the petitioner. He further submitted that now there is an immediate medical emergency to the petitioner because he is suffering from Pilonidal Sinus, which is a severe problem with pain whereby from the tale bone, the sinus get infected and there is discharge from the same. He further submitted that an affidavit has been filed by the State in this regard and a fresh medical report has also been

CRM-M-47479-2023 (O&M)

-2-

submitted which shows that the petitioner has been diagnosed with Pilonidal Sinus and there is a disc bulge also at L2-3, L3-4, L4-5, L5-S1, C5-6, C3-4/C5 and there is a nerve compression and even there is a posterior disc bulge following which there is a severe pain around the clock in the Lumbar Spine Area along with numbness and tingling sensations of bilateral lower limbs and tremors of bilateral upper limbs with loss of motor power in right arm and hand and the petitioner is kept in H-1 ward of Jail Hospital because he is unable to perform his day to day activities like toilet, bathing etc. and there is a difficulty in walking along with sinus/pus discharge at tale bone of lumbar spine area for which antiseptic dressing is being done regularly.

4. Learned counsel for the petitioner further submitted that since the subject matter of the present case is pertaining to the financial dispute and has also brought a demand draft of Rs.10 lacs voluntarily in the name of Additional Chief Judicial Magistrate, Panchkula in Court today and made a request that the same may be permitted to be deposited before the learned trial Court. He submitted that the petitioner undertakes to deposit the same before the Court within two weeks from today.

5. Ms. Harpreet Kaur, learned Assistant Advocate General, Haryana, has stated that so far as the medical condition of the petitioner is concerned, the same has been elaborately stated in the medical report that the same is critical in nature. She while referring to Para No.4 of the affidavit has submitted that the petitioner is required immediate surgery and there is no post operation care available in the Central Jail, Ambala.

6. I have heard the learned counsel for the parties.

7. It is a case where the petitioner is seeking interim bail on medical ground. As per the affidavit and medical report as submitted by the State, the

CRM-M-47479-2023 (O&M)

-3-

petitioner does have acute medical problem which requires immediate attention and even as per the affidavit, the petitioner requires immediate surgery because there is no post operation care available in the Central Jail, Ambala. Furthermore, it is neither the case of the State nor it has been so stated in the affidavit that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness.

8. Therefore, considering the aforesaid factual position, this Court deems it fit and proper to grant interim regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on interim regular bail for a period of 3 months on medical ground after furnishing requisite bail bonds/surety bonds to the satisfaction of learned CJM/Duty Magistrate/appropriate Court, concerned.

9. The time of release and the date of surrender shall be fixed by the concerned Court of CJM/Duty Magistrate/appropriate Court.

10. So far as the prayer of the learned counsel for the petitioner with regard to deposit the demand draft of Rs.10 lacs in the name of Additional Chief Judicial Magistrate, Panchkula is accepted and it is, therefore, directed that the aforesaid demand draft of Rs.10 lacs be deposited before the Court within two weeks from today and thereafter, learned Additional Chief Judicial Magistrate, Panchkula is directed to convert the same into FD.

09.10.2023

Bhumika(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No