

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 112

CRM-M No.51798 of 2023

Date of Decision: 09.11.2023

Yogesh @ Yogesh Kapasia

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sapan Dhir, Advocate, and
Mr. Prikshit Singla, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of interim bail to the petitioner for a period of two months in FIR No.216/2022 dated 01.09.2022, under Section 302, 120-B, 109, 201, 216 IPC and Section 25 of the Arms Act, registered at Police Station Civil Lines, Gurugram.

It has been submitted by learned counsel for the petitioner that earlier he had filed an application before the learned Additional Sessions Court, Gurugram and vide order dated 30.09.2023 (Annexure P-15), it has been so directed by the learned Court that the Superintendent, District Prison, Bhondsi, Gurugram, would arrange a meeting of the petitioner with his brother in custody from 10.00 AM to 02.00 PM on 04.10.2023 or on some other suitable day in custody. After the meeting, the petitioner was again to be kept in judicial custody in the aforesaid District prison. He

submitted that since the brother of the petitioner is suffering from 3rd stage cancer, the petitioner may be permitted to at least meet his brother for a week or at least for more than a day, so that he may take care of his brother because of natural love and affection he holds for him.

Learned State counsel, on instructions from SI Parveen Kumar, has submitted that so far as the ailment of the brother of the petitioner is concerned, the same has been got verified that he is suffering from cancer of third stage. However, he has opposed the grant of interim bail by submitting that the petitioner is a habitual offender and is involved in similar kind of cases. He also pointed out that and there is a likelihood that the petitioner may misuse the concession of interim bail and he may not be granted the liberty considering the allegations in the present case and his other antecedents. He submitted that so far as prayer of the petitioner for meeting his brother is concerned, the same has already been granted by the learned Sessions Court and in case, some more days are to be granted only for the purpose of meeting under custody of police, then the State does not have any objection to the same only on the condition that the petitioner/his relatives must pay the expenses incurred for the same.

After hearing learned counsel for the parties, this Court is of the view that considering the apprehension expressed by learned State counsel on instructions, the petitioner is not entitled for grant of interim bail but only for the purpose of meeting his brother, who is stated to be suffering from cancer although the learned Sessions Court has directed that the petitioner while in custody may take up to his brother house for meeting him on a particular day, the same can be extended for a total period of three days from 10.00 AM to 02.00 PM. Therefore, it is directed that the

Superintendent of District Prison Bhondsi, Gurugram, shall arrange a meeting of the petitioner with his brother in custody on 12.11.2023, 13.11.2023 and 14.11.2023 from 10.00 AM to 02.00 PM under strict security arrangements subject to payment of expenses for the aforesaid by the petitioner/his relatives in advance.

The present petition stands disposed of.

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

09.11.2023

monika

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes/No