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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57799-2022 (O&M)
Date of Decision: 04.01.2023

RAVI

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aakash Dalal, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.941 dated 16.09.2018 registered under Sections 302, 449, 201 and 34 IPC at Police Station Sadar Jhajjar, District Jhajjar. The petitioner is in custody since his arrest on 26.09.2018.

The above FIR was registered on the statement given by Naresh s/o Ragbir Bawria. Briefly, as per allegations, complainant's brother, namely, Pawan performed love marriage with Suman d/o Ramesh about 7-8 months back and ever since this alliance, the two families were carrying bitterness, as family of the bride was unhappy with this marriage. On 16.09.2018 when complainant and others were sleeping, then at around 10:30 p.m., he heard noise of his mother and when complainant alongwith other family members came out, they saw that their neighbours Ravi and Raju both sons of Ramesh, who were carrying axe and iron rod respectively, were giving blows to his mother. As a result of injuries, the mother turned

unconscious and was taken to the Government Hospital, Jhajjar, and later she was referred to PGI, Rohtak, where she was declared dead. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per complainant, the petitioner and his younger brother were carrying grudge against the family of Pawan because of marriage of their sister with him and in order to retaliate, they committed the alleged crime. He submits that the material witnesses have been examined, but the trial is likely to consume considerable time to conclude, therefore, the further custody of the petitioner may not be necessary, who is suffering from a kidney ailment. He prays for bail.

On 14.12.2022, this Court had passed the following order:

“Learned counsel for the petitioner has argued that the sister of the petitioner had performed marriage with the son of deceased and out of this wedlock, two children were born, but presently, the couple has separated. According to him, the material eye-witnesses have been examined by prosecution and prays for interim bail, as the petitioner is suffering from kidney ailment.

Learned State counsel, on instructions from ASI Sunil Kumar, has stated that one eye-witness still remains to be examined. However, he prays for time to ascertain the current health status of the petitioner.

On his request, adjourned to 22.12.2022.”

Learned State counsel assisted by ASI Sunil Kumar while opposing the prayer has argued that the offence is serious and the alleged occurrence was witnessed by the close relatives of the victim and the accused persons, who are brothers inflicted injuries upon Dhanpati, thereby causing her death. During the course of hearing, it is not disputed by learned State counsel that four material eye-witnesses have already been examined and in all there are twenty one witnesses. He has filed a reply by way of

affidavit of Amit, Deputy Superintendent, District Jail Jhajjar and submitted that indeed the petitioner is suffering from kidney ailment.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the petitioner is in custody for the last more than four years and the material eye-witnesses have been examined. Apart from it, the medical report of the petitioner shows that the petitioner is undergoing treatment for his kidney. The relevant part of the report reads as under:

“On 28-11-2022, patient was again confined in District Jail, Jhajjar. At the time of admission patient was on SPC and bed ridden. As per patient's attendant patient had an incident of urethral injury in jail Hospital on 10.11.22. Patient was referred for follow up in urology department on 03 December 2022 and 06 December 2022 for follow up. From there patient was further referred to AllMS Delhi for further treatment. Patient was referred to AIIMS Delhi on 12 December 2022 but patient could not be examined by concerned department as the Escort Guard reached late in OPD. Patient has been scheduled for referral on next day of OPD. Presently patient is on conservative treatment as advised by Urology Department, PGIMS, Rohtak but patient still in severe pain. Supra pubic catheter is insitu, there are episodes of bleeding off and on. Patient needs to be treated by concerned specialists. (Records of treatment attached along within).”

Thus, considering the above background, particularly the health condition of accused, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude considering the number of witnesses, who still remain to be examined by the prosecution.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

04.01.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No