

CRM-M-58756-2022

2023:PHHC:058282

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58756-2022
Decided on: 24.04.2023

Charles Rose alias Nitin Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Saksham Malhotra, Advocate for the petitioner.
Mr. Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0263	24.12.2018	City Moga, District Moga (Punjab)	364 & 34 IPC (Sections 363, 364A, 365, 370, 120B of IPC added later on)

1. The petitioner under arrest as per the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail. After arguing for some time, petitioner’s counsel restrict his prayer for interim bail on medical grounds.
2. Counsel for the petitioner on instructions, submits that for first stage of treatment of the petitioner, it would take 02 months & 15 days. He further contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family.
3. Counsel for the State has verified the health condition of the petitioner and does not dispute the prayer regarding interim bail on medical ground.
- 4.. Given above and after carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail till 03.07.2023, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on 03.07.2023, it shall be open for him to file a fresh bail petition under section 439 CrPC on merits.
5. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall

be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

6. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

7. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

8. The convict shall mention the following particulars regarding assets by way of affidavit and handover one copy to the complainant and one to the Investigator, **by 31.05.2023:-**

- (a). The complete details of bank account numbers, addresses, and bank statements w.e.f. 1st April 2020 till the date of this order;
- (b). The complete details of all fixed deposits, bonds, debentures, w.e.f. 1st April 2020 up to at least till the date of this order;
- (c). The complete details and balances in all DEMAT accounts w.e.f. 1st April 2020 up to at least till the date of this order;
- (d). The current market value of jewellery, sovereign metals, and all precious articles, held either individually or jointly, up to the date of filing of the extension application;
- (e). Cash-in-hand up to the date of filing of the extension application;
- (f). Details of all immovable properties up to the date of filing of the extension application;
- (g). Annual income from all sources;
- (h). Details of all liabilities;
- (i). Details of all dependent family members, with approximate expenses on medical and education, rent, utilities, and other household necessities of the family.

9. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

10. Any observation made hereinabove is neither an expression of opinion on the

merits of the case nor shall the trial Court advert to these comments.

11. The petitioner shall surrender in prison from where he was released, on or before 03.07.2023, by 2 p.m.

12. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition is allowed in the terms mentioned above. It is clarified that in case, by 31.05.2023, the above said affidavit is not filed, the present order shall stand recalled without further reference to this Court. The disposal of the present petition shall not come in the way of filing and considering the fresh petition for regular bail. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.04.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.