

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-1879-2024 (O&M)
Date of decision: 12.02.2024

Kuldeep ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Abhimanyu Batra, Advocate
for the applicant-petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. CRM-4238-2024

Prayer in this application is for preponing the date of hearing of the main case, which is fixed for 12.03.2024.

For the reasons stated in the application, the same is allowed. Let the main case be preponed and taken up today itself.

2. CRM-M-1879-2024 (O&M)

This petition has been filed by the petitioner under Section 439 read with Section 482 of Cr.P.C. seeking interim regular bail in case bearing FIR No. 122 dated 10.05.2021, registered under Sections 109, 116, 120-B, 344, 370, 370-A, 376, 511, 376(2)(n), 376(2)(f), 384, 506 of the IPC and Sections 3, 4, 5, 6 of Immoral Traffic Act, 1956 at Police Station Uchanan District Jind.

3. Learned counsel for the petitioner submits that the petitioner is facing trial in the case arising out of the aforementioned FIR. He is in custody

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since 16.05.2021. It is further submitted that he has undergone Coronary Artery Bypass Grafting on 06.01.2024 at PGIMS, Rohtak. Although, he has been discharged by the hospital and has been shifted to District Jail, Jind but the doctors have advised him several restrictions post surgery. In support of his arguments, learned counsel for the petitioner has placed on record discharge summary of the petitioner as Annexure P-2. Hence, it is prayed that keeping in view the health condition of the petitioner, he may be granted concession of interim bail so that he can recover from the said surgery.

4. Vide order dated 05.02.2024, learned State counsel was directed to verify the veracity of aforesaid discharge summary as well as to file reply. In response thereto, learned State counsel has filed the status report today in Court along with the certificate issued by the Medical Officer, District Jail, Jind, according to which, the petitioner was operated upon on 05.01.2024 at PGIMS, Rohtak and the doctors have advised him for recommended diet, steam inhalation after every eight hours, incentive spirometry, chest physiotherapy etc. However, learned counsel for the petitioner has opposed the bail on the ground that the petitioner can abscond and can also influence the witnesses, if extended concession of interim bail.

5. After hearing learned counsel for the parties at considerable length and also going through the material placed on record, it is revealed that the petitioner has undergone aforesaid surgery at PGIMS, Rohtak on 05.01.2024 and post his discharge from the hospital, he has been prescribed certain restrictions to be followed by him, which is not possible for him to follow while in custody. Therefore, keeping in view the medical condition of the petitioner, this Court is of the considered opinion that he should be

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enlarged on interim bail for a limited period so that he can recover from the said surgery and can maintain a good health.

6. Accordingly, the present petition is allowed. The petitioner is directed to be released on interim bail till 14.04.2024, subject to his furnishing personal/surety bonds of two sureties to the satisfaction of the trial Court/Duty Magistrate concerned. He will surrender before the jail authorities on 15.04.2024 by 05:00 P.M. However, this order will be subject to the following conditions that:

- (i) the petitioner shall neither try to make any type of contact with the victim or any other member of her family in any manner nor visit her residence.
- (ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) he will visit the concerned police station after every ten days and mark his presence before the SHO concerned.
- (iv) he shall not commit any similar offence while on interim bail.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

12.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No