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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9093-2024

Decided on: 21.02.2024

Ashwani Kumar Oberoi

...Petitioner

Versus

State of Haryana & anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Vikrant Pamboo, Sr. DAG, Haryana (Through VC).

Mr. J.S. Mehndiratta, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
618	24.10.2023	City Jagadhri, District Yamuna Nagar	406, 420, 120-B IPC

1. The petitioner, who is on interim bail upto 02.01.2024 and failed to surrender, in the FIR captioned above, had come up before this Court under Section 439 read with 482 CrPC, seeking extension of interim bail on the ground of his ill health.
2. Petitioner’s counsel has drawn attention of this Court to various medical certificates and explicitly to Annexure P-17, which reads as follows:-

“This is to certify that patient Mr. Ashwani Kumar, Age 65/Male, R/o Yamuna Nagar is admitted at Mukand Lal Distt. Civil Hospital, Yamuna Nagar since 31.12.2023 and as per Dr. Raghav, MD, DM (Cardiology) patient needs post surgery observation and rest is required for recovery till 23.02.2024 (copy attached). Further stated that patient has multiple diseases like Ashthma, Diabetes Melitus, Allergic Sinusitis and Hypertension. I advise him to remain in medical observation in this hospital for atleast 10 days more.”
3. Mr. J.S. Mehndiratta, counsel appearing for respondent No.2 strenuously opposed the bail and so does the State counsel. He further submits that the complainant has a video recording in which petitioner is seen coming to his home in a normal position and if he was in fact genuinely hospitalized, there was no reason for him to come out.

4. Counsel for the State also opposes the bail on the ground that petitioner is misusing the liberty. Benefit of interim bail was granted to petitioner upto 02.01.2024 but he failed to surrender, consequently trial Court proceeded to issue notice/arrest warrants against the petitioner which are still in force.

5. At this stage, counsel for the petitioner submits that they have certificate from Civil Surgeon, Yamunanagar which demonstrates that petitioner has ill health and he is in hospital from 31.12.2023. He further submits that vide a certificate dated 13.02.2024, the petitioner was advised to remain under medical observation for atleast ten days more. He then submits that minimum 10 days observation is advised, as such petitioner's interim bail be extended till 24.02.2024. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family. As concerned for the allegation of default, counsel for the petitioner submits that intimation qua hospitalization of petitioner was given, however the concerned authority instead of taking him into custody, got order from trial Court.

6. Without going into the opposition made by State counsel or giving any finding in the record, merely placing reliance on Annexure P-17, which is medical certificate issued to the concerned Doctor, interim bail granted by the trial Court vide order dated 13.12.2023, is extended till 24.02.2024. Arrest warrants issued against the petitioner vide order dated 07.02.2024 by the trial Court, shall remain stayed till 25.02.2024.

7. **The petitioner shall surrender in prison from where he was released, on or before 25.02.2024, by 11 am.** If he fails to do so, order of extension of interim bail shall stand recalled automatically without any further reference to this Court. It is further clarified that petitioner is directed not to file any application for extension of interim bail without first surrendering in the concerned jail. It is also clarified that if the petitioner's health is found to be not conducive, then the appropriate jail authorities to provide appropriate treatment to the petitioner.

8. *There would be no need for a certified copy of this order 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 with liberty to file a fresh after surrender. The disposal of the present petition shall not stand in the way of filing and considering the fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

21.02.2024
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