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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-33304-2024

Date of Decision:- 18.07.2024

**Shishpal**

...Petitioner

Vs.

**State of Haryana**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Prateek Rathee, Advocate  
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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**AMARJOT BHATTI, J.**

1. Petitioner Shishpal has filed petition under Section 439 read with Section 482 of Cr.P.C. for grant of *interim* bail for two weeks, in FIR No.436 dated 28.10.2023, registered under Sections 147, 148, 149, 285, 307, 323 (Sections 427 and 506 added later) of Indian Penal Code, 1860 and Section 25(1-B)(A) of Arms Act at Police Station Khedki Daula, District Gurugram, Haryana, to enable him to make arrangements for surgery of his wife scheduled for 18.07.2024 i.e. today.

2. Petitioner is involved in aforesaid FIR which is Annexure P-1. His wife Smt. Mithilesh Kumari had a fall and suffered severe pain in her back and upon diagnosis, it was found that she is suffering from Prolapsed Intervertebral Disc and Lumbar Herniated Discs in L3-L4 disc segment of her spine which requires surgery. Copies of medical diagnosis of doctor dated 18.05.2024, 22.05.2024 and 02.07.2024 are Annexures P-2 to P-4 respectively. Earlier surgery was scheduled for 18.06.2024 and now it was re-

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scheduled for 18.07.2024. It is therefore submitted that petitioner may be granted *interim* bail for two weeks to look after his wife and to make necessary arrangement for finance. Hence, the present petition.

3. Notice of petition was given to respondent-State. Status report has been filed. It is pointed out that present petitioner was arrested on 26.11.2023. Challan has been presented against him and other co-accused on 28.12.2023. Charge-sheet is also framed on 14.05.2024 and trial is pending before learned Additional Sessions Judge, Gurugram, fixed for 30.07.2024 for prosecution evidence. On the arrest of other accused, supplementary challan was presented on 19.04.2024. Regarding medical condition of wife of petitioner, it is submitted that Investigating Officer verified from Civil Hospital, Rewari. Medical Officer produced OPD card of wife of petitioner namely Mithilesh, according to which she is suffering from traumatic lumber sprain and Medical Officer advised physiotherapy of UST, FOD, IFT and TENS. Her surgery was planned for 18.07.2024 for lower back ache. The Investigating Officer further verified that petitioner is having his family consisting of brother Om Narayan, mother Santosh Devi and father Jai Bhagwan. However, Mithilesh is living separately from her in-laws. She is also having real brother namely Ravi, father Jal Singh and mother Kavita. Parents are in their old age. In the report, it is mentioned that family members of petitioner as well as family members of his wife can look after Smt. Mithilesh. Learned State counsel further pointed out that present petitioner is involved in four other FIRs bearing Nos. mentioned as under :-

- i. FIR No. 224 dated 29.05.2022 under Section 148, 149, 323, 429, 50, 34 of IPC, Police Station Kherki Daula, Gurugram.



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ii. FIR No. 285 dated 15.07.2022 under Section 147, 149, 323, 341, 506 of IPC, Police Station Kherki Daula, Gurugram.

iii. FIR No. 323 dated 16.08.2022 under Section 323, 34, 382, 506 of IPC, Police Station Kherki Daula, Gurugram.

iv. FIR No. 283 of 2024 under Section 148, 149, 323, 341 of IPC, Police Station Kherki Daula, Gurugram.

It is submitted that considering these facts, petitioner does not deserve concession of *interim* bail.

4. I have considered the aforesaid facts. It is confirmed that wife of petitioner Smt. Mithilesh Kumari is having severe back problem for which her surgery has been fixed for today i.e. 18.07.2024. At the same time status report shows that there are mature family members from the side of petitioner as well as Mithilesh Kumari who can look after her. It cannot be ignored that present petitioner is involved in four other criminal cases as referred above apart from this case. In view of this, I do not find a fit case for grant of *interim* bail to petitioner Shishpal and accordingly, his petition is declined.

However, petitioner is at liberty to seek regular bail.

5. Petition is accordingly dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.07.2024

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(AMARJOT BHATTI)  
JUDGE

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No