



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-48761-2024
Decided on :16.10.2024

KHURSHID

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Saksham Khunger, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

This petition under Section 483 of BNSS has been filed for grant of regular bail to the petitioner in case FIR No.100 dated 23.03.2024 under Sections 3/13(1) and 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 120-B, 353 and 186 of Indian Penal Code, registered at Police Station Sadar Nuh, District Nuh.

2. Learned counsel for the petitioner submits that petitioner is suffering from Carcinoma (Cancer) in the right vocal cord and being an old aged person, his condition is deteriorating rapidly with time and he is undergoing treatment at PGIMS, Rohtak.

3. In compliance with the order dated 03.10.2024, a copy of the medical report dated 08.10.2024, of the petitioner has been submitted by the learned State Counsel and same is taken on record. The report indicates that the patient was admitted to PGIMS Rohtak from July 29, 2024, to August 7, 2024, for DLBX treatment under local anesthesia/general anesthesia. A biopsy performed on August 22, 2024, confirmed moderately differentiated

squamous cell carcinoma, and the patient was advised to undergo at least



one month of radiotherapy, which was completed at PGIMS Rohtak. As of 08.10.2024, the patient has a functioning tracheostomy tube, and vital signs are stable and within normal limits.

4. Learned State counsel has also placed on record custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 04 months and 19 days and there are two other cases registered against him, however in one case he is on bail and in other, his sentence has been suspended. Moreover, on instructions, he submits that challan was presented on 13.08.2024 and charges are yet to be framed. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. The petitioner has undergone an actual custody of 04 months and 19 days and there are two other cases registered against him, however in one case he is on bail and in other, his sentence has been suspended. Considering the medical condition of the petitioner and the fact that the conclusion of the trial of the case will take a considerable amount of time, no useful purpose will be served by detaining the accused in custody.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-



- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

16.10.2024

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*