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CRM-M-48757-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48757-2024 (O&M)

Date of Decision: 04.10.2024

NAVEEN

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nagar Singh, Advocate and
Mr. Onkar Singh, Advocate for
Mr. Nishant Raj Ghangas, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. The instant petition has been filed with the following substantive prayer:

“It is therefore, respectfully prayed that the present petition may kindly be allowed and interim bail to the petitioner in case FIR No.119 dated 25.2.2024 (Annexure P-1) under sections 323, 342, 365, 376-D, 377, 511 IPC of 1860, registered at P.S. Chandni Bagh, Panipat District Panipat for a period of 90 days as the wife of the petitioner is expecting delivery in the last week of September 2024 and the petitioner has to take care of his wife during that period, keeping in view the facts and circumstances of the present case, in the interest of justice.”

2. Notice of the instant petition was issued to the State whereupon a reply dated 02.10.2024 by way of an affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Traffic Panipat has been filed in Court today. The relevant of this reply reads as under:

“4. That the petitioner had filed the present petition for the relief of interim bail on the ground of care of his pregnant wife. In this regard, facts were verified by L/ASI Poonam. She

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enquired about the wife of Petitioner from Pawanajali Hosiptal, Panipat and it was found that the wife of the petitioner is pregnant and was under treatment from Pawananjali Hospital, Panipat and that her expected delivery was from 25.09.2024 to 05.10.2024. But she has not visited them after 05.09.2024 and they are not aware about the delivery of the wife of the petitioner. It is further submitted that the doctor's opined on 01.10.2024 that the pregnancy of the petitioner can potentially develop in high risk. True copy of doctor certificate is annexed herewith as Annexure R-4 Colly and doctor's opinion dated 01.10.2024 is annexed herewith as Annexure R-5.

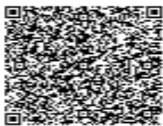
It was further found that the petitioner was living on rent in the house of Ankush Kadyan S/o Rajesh Kadyan who got recorded that the petitioner has following family members:- (i) Dalbir (Father), (ii) Pargati (Wife), (iii) Parnavi (minor daughter) and (iv) one sister who is married and lives at her matrimonial house and does not live with them. True Copy of Statement of Landlord Ankush Kadyan S/o Rajesh Kadyan is annexed herewith as Annexure R-6.

It was found from the enquiry conducted at his parental village Alakhpura that the petitioner and his sister are two brother and sisters only and that his sister is married. True Copy of statement of Sarpanch, Gram Panchayat Village Alakhpura, Bawani Khera, Bhiwani is annexed herewith as Annexure R-7.”

3. Though the petitioner is accused of serious offences, yet it is not in dispute that the wife of the petitioner is at advanced stage of pregnancy and it is likely that the child will be delivered by way of C-section.

4. Keeping in view the entirety of facts and circumstances of the case, the petition in hand is allowed and the petitioner is directed to be released on bail for a period of 30 days from tomorrow onwards i.e. 05.10.2024 subject to the satisfaction of Id. CJM/Duty Magistrate, Panipat and shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.



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- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

5. The petitioner is directed to surrender before the ld. CJM/Duty Magistrate, Panipat latest by 06.11.2024 at 10:00 a.m. whereinafter he shall be sent to requisite custody. In case the petitioner does not surrender before the concerned Court as directed for hereinabove, the said Court shall take all requisite steps to take the petitioner back into custody. Superintendent of Police, Panipat is directed to comply with all directions accordingly issued by the concerned CJM/Duty Magistrate in such eventuality.

6. Pending applications, if any, shall also stand disposed off.

04.10.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No