

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50246-2024 (O&M)

Decided on 02.12.2024

Rahul

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

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

Mr. Chetan Sharma, DAG Haryana

Sandeep Moudgil, J.

(1). This is a petition under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) filed by the petitioner seeking regular bail in case FIR No.148 dated 02.04.2024 under Sections 148/149/302 IPC (Sections 148/149 IPC deleted), registered at Police Station Chandhut, District Palwal.

(2). Brief facts, as culminating in the FIR which was lodged at the instance of Kundan Lal, is reproduced hereunder:-

"To, The SHO, Police Station, Chandhut, Palwal. Subject: Regarding taking legal action in a murder case. Sir, it is requested that I, Kundan son of Sh. Hari Singh, caste Jatav, am permanent resident of village Ghor, Tehsil and District Palwal and doing labour work. Today on 2.4.2024, I and my wife Ratiya were present at home. In the morning at about 8-9 Rahul son of Rajpal (Sude) is our neighbour and his buffalo by making noise was going towards his house, in the meanwhile Rahul son of Rajpal gave 4/5 Danda blows with great force over the head. My wife covered in pool of blood fell on the ground due to the injury over the head due to danda blow, when I raise hue and cry, then neighbors gathered there. When I informed their family members regarding the incident then they instead of helping us tried to kill us. Rohit son of

Rajpal, Bijendri wife of Rajpal, Neha wife of Pankaj, Rajpal son of Kishan Lal, residents of village Ghor, I reached the hospital with the help of neighborer by saving our life along with injured wife Ratiya. My wife was declared dead by the doctors at Government Hospital. Hence, it is requested that strict legal action be taken against the accused persons. Thanking you, dated 2.4.2024. Kundan Lal applicant”

(3). Learned counsel for the petitioner contends that the petitioner is suffering from mental illness since last 6/7 years but the investigating agency intentionally presented the challan against the petitioner without taking into this fact. He contends that even as per the report dated 17.08.2024 (Annexure P3) coupled with report dated 02.09.2024 (Annexure P4) called by the trial court, the petitioner was examined by PGIMS Rohtak wherein it was categorically opined that the petitioner needs psychiatric medication and continuous hospitalization for his mental symptoms.

(4). When this matter came up for consideration before this Court on 22.11.2024, due to the conflicting report from Civil Hospital, Faridabad which otherwise opined that there is no cardio problem and advised psychiatrist to the petitioner vis-à-vis report of PGIMS, Rohtak, this Court directed the petitioner to be taken to PGIMER Chandigarh for thorough diagnosis at the advanced cardiology department.

(5). Today, learned State counsel has handed over custody certificate dated 29.11.2024 as well as the status report date 30.11.2024 filed by Sumit Panwar, Deputy Superintendent, District Jail, Faridabad which are taken on record. As per the custody certificate, the petitioner has undergone 7 month and 27 days of custody whereas challan was presented on 14.06.2024 and

thereafter charges were framed on 25.10.2024 and out of total 12 PWs, the prosecution has examined none, till date.

(6). As regards the medical health condition of the petitioner, the status report dated 30.11.2024, referred to above, it is stated that as per the order dated 13.11.2024 passed by this Court, the petitioner was produced before the Medical Board, PGIMS on 20.11.2024, however, petitioner is admitted there and medical report is still awaited. However, as per the report dated 18.11.2024, the medical board opined that the petitioner is suffering from catatonia in remission with mild intelligent quotient of 64 besides he has been found to be the patient of cardiomyopathy.

(7). Further, the petitioner was got admitted at PGIMS Chandigarh on 23.11.2024 and was evaluated by the Medical Board constituted by the Department of Cardiology to assess his cardiac condition which vide report dated 30.11.2024 (Annexure R2) opined the petitioner does not report any cardiac symptoms nor his features suggest any cardiac illness.

(8). It is undeniable that the petitioner is a psychiatric patient suffering from catatonia disease. His intellectual impairment has been assessed to be IQ-64. Evidently, a person with an IQ of “64” cannot be said to be normal which ranges from IQ-90 or above and since the petitioner has been medically proven to be the patient suffering from catatonia – a disease where a patient is in a state of wild excitement, is destructive and violent and may even impulsively assault anyone without the slightest of the provocation, there can be no second opinion that the petitioner is psychiatric patient and requires medical treatment by the specialized doctors. Otherwise also, exposure of such

patients may be risky for other inmates as well as for the vulnerable petitioner also.

(9). Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

02.12.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No