

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-55553-2022 (O&M)
Date of Decision.:12.03.2024

Sewa Ram

Petitioner

Vs.

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Ishan Gupta, Advocate with
Ms. Harita Panthey, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Sukhsandesh Singh Chahal, Advocate
for the complainant.

DEEPAK GUPTA, J. (ORAL)

Vide order dated 14.03.2023, petitioner was allowed interim bail, by
passing the following order:-

*“Present:- Mr. Ishan Gupta, Advocate for the applicant-petitioner.
Mr. Sandeep, Addl. A.G., Punjab.*

CRM-10173-2023

*Reply filed by the State counsel be taken on record. Copy of
the same has been supplied to learned counsel for the applicant-petitioner.*

Heard.

*Petitioner Sewa Ram, an accused in F.I.R. No. 291 dated
16.10.2020 under Sections 120-B, 419, 420, 170, 171, 342, 395, 411, 483,
465, 467, 468, 471 and 201 IPC read with Section 34 IPC and Sections 25
and 30 of the Arms Act registered with Police Station Bhawanigarh,
District Sangrur is seeking interim bail to attend to his wife who is stated
to be in a critical condition on account of suffering from chronic
kidney disease requiring dialysis twice a week. He was granted interim bail*

earlier for such like reason. Thereafter, he had surrendered and was sent to jail. Now he has filed another application for interim bail.

Notice of the application was given to the State to file written response and it has submitted short reply by way of an affidavit of DSP Bhawanigarh confirming the fact that wife of petitioner is in fact suffering from chronic kidney disease undergoing treatment at Dayanand Medical College and Hospital, Ludhiana requiring dialysis twice a week.

The petitioner is behind bars since 20.10.2020 and as per report received, there is no likelihood of the trial being completed in near future, inasmuch as only one PW has been examined that too partly so far out of 39 PWs cited.

Under the circumstances, the application for grant of interim bail filed by the petitioner is accepted and he is ordered to be released on interim bail subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.*
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.*
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.*
- (iv) he shall not indulge in any criminal activity.*
- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.*

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.”

It is contended by learned counsel that petitioner has been regularly appearing before the Trial Court and has not violated any of the aforesaid condition.

Learned State counsel could not refute the aforesaid contention.

In view of the above, but without commenting anything further on the merits of the case, this petition is allowed. Petitioner is admitted to bail under Section 439 Cr.P.C. in case FIR No.291 dated 16.10.2020 registered under Sections 120-B, 419, 420, 170, 171, 342, 395, 411, 483, 465, 467, 468, 471 of the IPC read with Section 34 of IPC and Section 25, 30 of Arms Act registered at Police Station Bhawanigarh, District Sangrur on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

March 12, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No