



CRM-M-54300-2024

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

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CRM-M-54300-2024

Date of Decision : **November 12, 2024**

AJAY @ BITTU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. L.K.Gollen, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.359 dated 17.8.2012, Under Sections 216, 302, 120-B, 34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Bahadurgarh, District Jhajjar (Section 216 was added later on).

2. Learned counsel for the petitioner in the asking for the relief (supra), submits that he does not want to touch the merits of the instant case. He submits that he is seeking the relief (supra), only on the ground of medical condition of the present petitioner and the days of incarceration suffered by him as an undertrial in the instant FIR. According to the learned counsel for the petitioner, he has suffered incarceration of about 6 years as on today.



3. This Court vide order dated 29.10.2024, the State was directed to file reply to the instant petition alongwith the latest medical status report of the petitioner. In deference to the directions (supra), today, the learned State counsel has filed reply dated 7.11.2024 by way of an affidavit of Shubham Singh, IPS, Asstt. Commissioner of Police, Badli, District Jhajjar, the same is taken on record and a copy thereof supplied to the learned counsel for the petitioner.

4. The petitioner was duly examined by the Board of Doctors. The copy of the report is attached with the reply as Annexure R-1.

5. A perusal of the reply (supra) clearly reflects that the petitioner is dependent on the attendants for maintaining hygiene, feeding, side turning, seating, urination and for passing stools. It is further mentioned in the reply (supra) that his condition is deteriorating day by day. The relevant extract of the report reads as under:-

“Patient is having alleged history of firearm injury to head on 18.03.2021. Right fronto temporo parietal craniotomy with contusectomy was done on 18.03.2021 at Kainos hospital, Rohtak for communitted fracture right frontal bone with contusion. His right eye was sacrificed in the injury and patient had bilateral ACA infarct in the follow up scans. Patient was tracheotomised and gastrostomy was done for feeding. Then patient underwent bifrontal craniotomy with excision of bifrontal abscess with anterior cranial fossa repair on 03.06.2021 in Artemis Hospital Gurugram. Then patient was gradual weaned off from the gastrostomy and tracheostomy. Patient is in regular follow up of Neurosurgery Department PGIMS, Rohtak. At present patient is conscious and oriented, obeying commands, having right eye vision loss, accepting feed orally, flexion deformity of all four limbs present and continent by bladder and



bowel. Patient is dependent on the attendants for maintaining hygiene, feeding, side turning, seating, urination and for passing stools.”

6. Considering the serious medical condition of the petitioner and the days of incarceration i.e. 5 years, 10 months and 4 days, and without going into the merits of the case, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 12, 2024
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(KULDEEP TIWARI)
JUDGE

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