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2024:PHHC:171875



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-59343-2024  
Date of Decision: 20.12.2024

GAGANDEEP SINGH ALIAS MILKHA  
.....Petitioner

*VERSUS*

STATE OF PUNJAB  
.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mandeep Sachdev, Advocate (through V.C.)  
with Mr. Ashok Giri, Advocate,  
for the petitioner

Ms. Avneet, AAG, Punjab with  
Mr. Swapan Sharma, Commissioner of Police, Jalandhar  
(Through V.C.) and  
Mr. Sirivennela, ACP, Model Town, Jalandhar.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.175, dated 16.08.2024, under Sections 115(2), 118(1), 117(2), 118(2), 110, 191(3), 190 and 109 of the BNS, 2023, registered at Police Station Division No.6, Jalandhar.
2. In deference to the directions issued by this Court vide order dated 03.12.2024, two different status reports, dated 14.12.2024 and 15.12.2024, one by way of an affidavit of Sh.Swapan Sharma, Commissioner of Police, Jalandhar, and another by way of an affidavit of

Sh.Sirivennela, ACP (Model Town), Police Commissionerate, Jalandhar, respectively, have been filed, by the learned State counsel today in Court, which are taken on record, with copies thereof supplied to learned counsel for the petitioner.

3. Today, learned State counsel has also filed a medical status report, dated 19.12.2024, by way of an affidavit of Shyamal Jyoti, Superintendent of Central Jail, Kapurthala, which is also taken on record.

4. A study survey of status report dated 14.12.2024, reflects that a regular departmental action has been ordered to be initiated *qua* the misconduct of Inspector Sahil Chowdhari, the then SHO concerned, furthermore, the same is directed to be completed within a period of two months.

5. Mr. Swapan Sharma, Commissioner of Police, Jalandhar, who has caused appearance before this Court through virtual platform, and has assured this Court, that the delinquent officer (*supra*), will not be posted on any position of public dealing, at least for another one year.

6. Another status report dated 15.12.2024 (*supra*), discloses about the role of the present petitioner in the instant crime, his antecedents and material evidence so far collected by prosecution *qua* the present petitioner.

7. Learned counsel for the petitioner after perusal of the aforesaid status reports, merely confines his sphere of arguments to the medical status of the present petitioner.

8. He submits that the present petitioner is presently on his death bed, as he is diagnosed case of Chronic Kidney Deceased (Stage-

V) with HTN, and throughout his confinement in the Central Jail, Kapurthala, he, in fact, remained in different hospital for the treatment.

9. The medical status report (*supra*), also corroborates the submission, as made by learned counsel for the petitioner. The relevant of Annexure R-1/T, is extracted hereinafter:-

“As per record, Gagandeep Singh son of Sarabjit Singh (PID-645879) is lodged in Central Jail Kapurthala. He is known case of Chronic Kidney disease and Hypertension.

On 18-10-2024, the above said patient was brought to jail hospital central jail kapurthala with complaint of anxiety and restlessness, he was referred to Civil Hospital Kapurthala on same day for specialist examination. The patient was admitted and further referred to Guru Nanak Dev Hospital Amritsar where he was admitted and diagnosed with CKD (Stage-V) with HTN. He was given conservative treatment and discharged on 16/11/2024. On same day, he was referred back to Guru Nanak Dev Hospital Amritsar from where he was further referred to PGIMER Chandigarh on 20/11/2024 for catheter insertion for dialysis. He was managed conservatively. He was discharged on 25/11/2024 and prescribed oral medication.

On 26/11/2024, He was referred back to Guru Nanak Dev Hospital due to CKD with breathlessness and as the Patient is under dialysis. Patient was further referred to PGIMER Chandigarh on 05/12/2024 for catheter insertion for dialysis. Patient was discharged on 07/12/2024 from PGIMER Chandigarh and sent to Guru Nanak Dev hospital Amritsar.

The above said patient is presently admitted in Guru Nanak Dev Medical College and Hospital, Amritsar w.e.f 18.12.2024. As per report of Doctors of GMC, Amritsar the patient is a diagnosed case of hypertension with chronic kidney disease (stage-4) on maintenance hemodialysis 4 hours biweekly. (Copy of report is annexed).”

10. Though there are allegations against the petitioner of causing injury to the victim, however, solely considering the medical condition of the present petitioner, which undisputedly, is deteriorating day-by-day, this Court deems it fit and appropriate to enlarge the petitioner on regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

11.           However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
12.           It is expected that the Commissioner of Police, as per his assurance given to this Court, shall ensure the conclusion of the investigation, most effectively and efforts shall also be made to conclude the investigation within a short duration.
13.           All pending application(s), if any, also stand **disposed** of accordingly.

December 20, 2024  
*dharamvir*

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned.       :

Whether Reportable.                :

Yes/No

Yes/No