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

CRM-M-2988-2025

Date of Decision:- 05.05.2025

Devender

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vishal Malik, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Devender has filed this petition under Section 483 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking interim bail for a period of 06 months on compassionate & humanitarian ground as his father is suffering from throat cancer i.e. Secondary Squamous Cell Carcinoma of the neck, in FIR No.312 dated 11.07.2020, under Sections 365, 506, 34 of IPC, 1860 and Section 8 of POCSO Act, 2012 (Section 18 of POCSO Act was added later on), registered at Police Station Gharaunda, District Karnal.

2. Learned counsel for petitioner pointed out that petitioner is facing trial in the aforesaid FIR. He is in custody since 11.07.2020. Petitioner has given detail of bail applications filed by him from time to time out of which, he was granted interim bail in CRM-M-55607-2022 vide order dated 06.12.2022 (Annexure P-7). There is copy of bail order dated

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01.09.2021 in 03 connected regular bail applications declined by the Coordinate Bench (Annexure P-4). There is order dated 21.01.2022 passed in SLP (Criminal) Diary No.22626/2021 (Annexure P-5) where SLP was dismissed and it was mentioned that in case there is delay in completion of trial, petitioner is at liberty to renew his bail application before the appropriate court. Thereafter, present petitioner again filed second regular bail application bearing CRM-M-23618-2022. Vide order dated 31.08.2022 (Annexure P-6) the second regular bail application was also declined. Thereafter, there is CRM-M-61853-2023 where again 5th regular bail petition was dismissed as withdrawn vide order dated 05.02.2024 (Annexure P-8). Now this is the 6th interim bail petition sought for the treatment of his father. Learned counsel for petitioner has referred to the medical record of Atal Cancer Care Centre, Ambala Cantt. along with the record of PGI, Chandigarh (Annexure P-1). It is pointed out that brother of present petitioner is serving in Army. There is nobody to look after his father. Therefore, on compassionate ground petitioner may be granted interim bail.

3. Learned counsel representing State has filed status report, confirming the aforesaid factual position. Along with the status report, there is statement of Sarpanch of the village (Annexure R-1) and statement of Naresh Kumar father of the petitioner (Annexure R-2). Medical record regarding treatment of cancer is also confirmed. Report of the doctors are Annexures R-3 and R-4. It is confirmed that petitioner was arrested in this case on 13.07.2020. Challan was presented on 01.09.2020. During trial all

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prosecution witnesses have been examined. It is further confirmed that younger brother of the petitioner is serving in Indian Army. It is pointed out that as per the report of the doctor patient Naresh Kumar did not follow up regarding his treatment properly.

4. I have considered the aforesaid factual position. Petitioner is behind the bars since long. Custody certificate of the petitioner is also annexed, according to which he is behind the bars for the last about 03 years and 07 months. Father of petitioner namely Naresh Kumar is suffering from serious ailment and requires treatment. Younger brother of petitioner is serving in Indian Army, thus, not in a position to take care of his father. Therefore, considering the aforesaid factual position, ailment of father of petitioner requires proper assistance and treatment. In the light of this, petitioner is granted interim bail for a period of 02 months for the above said purpose subject to the conditions imposed upon by the learned trial Court. Petitioner is directed to surrender back before the concerned jail on 04.07.2025 before 4:00 PM.

5. Bail petition is accordingly disposed of.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

05.05.2025

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No