



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
223

CRM-M-11269-2025
Decided on : 05.03.2025

Ashok Singh alias Shoki . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ranwant Singh Sangha, Advocate
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ashok Singh alias Shoki	8	04.02.2022	399, 402, 379, 411 of IPC and Sections 25, 54, 59 of Panjtoor the Arms Act	Fatehgarh	Moga

2. Learned counsel for the petitioner contends that petitioner is facing proceedings in the present case since the year 2022. During the proceedings, initially bail was granted to the petitioner by this Court vide order dated 22.11.2022, passed in CRM-M-52859-2022 (P-2). Thereafter, he continued joining the proceedings before the Court below, but again in the year 2024, on account of his absence, non-bailable warrants were issued against him, however, he surrendered himself and submitted certain medical



record to show his inability to appear. Considering all that, petitioner was again ordered to be released on bail by the learned Trial Court, vide its order dated 30.05.2024 (P-3).

Counsel further submits that because of the ailment, as reflecting in the order passed by the learned Trial Court, petitioner could not appear before the trial Court, and his already granted bail was again cancelled. However, in pursuance to the proclamation order, petitioner again surrendered before the trial Court, however, this time, he was declined the concession of releasing him on bail vide order dated 21.01.2025 (P-4).

Thus, petitioner is before this Court for seeking concession of regular bail.

3. On the other hand, learned State counsel opposes the prayer of bail. However, he is not in a position to deny the factual aspect, which is recorded by learned Trial Court vide its order dated 30.05.2024 (P-3), in regard to the fact that petitioner is suffering from Black Jaundice, and also detected with HIV positive.

4. Having noticed the said aspect and also the observations recorded by the learned trial Court vide its order dated 30.05.2024 (P-3), that obviously, the petitioner would be moving from hospital to hospital, to get his treatment, and there appears to be no such intention to abscond, and also by noticing that both times, the petitioner himself has surrendered before the trial Court, is good enough to understand and appreciate the reason for his inability in appearing before the trial Court from time to time. However, it could be more appreciated had the petitioner sought exemption from his appearance in advance with the medical record, but for such a default, instead of deciding the fate of the trial,



such a person, who himself is a patient, need not be punished on that account.

Accordingly, this Court is of the view that the petitioner should be afforded one more chance by releasing him on bail, so that he may get his proper treatment, apart from joining the proceedings before the trial Court.

5. Consequently, prayer made in the present petition is **allowed**. Petitioner – Ashok Singh @ Shoki, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 05, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No