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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12322-2025
Decided on: 12.03.2025

Anil Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.
(appeared on advance notice)

Mr. Narinder S. Lucky, Advocate for the complainant.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of BNSS, seeking interim regular bail in case FIR No.148 dated 27.05.2023, under Sections 302, 201, 120-B, 404 IPC, registered at Police Station Salhawas, District Jhajjar.

2. On 05.03.2025, following order was passed by this Court:

“1. Present petition has been filed by the petitioner, under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of interim regular bail, in case in FIR No.148 dated 27.05.2023, under Sections 302, 201, 120-B, 404 of IPC, registered at Police Station Salhawas, District Jhajjar.

2. Counsel for the petitioner submits that petitioner is a patient of cholelithiasis i.e. stone in gall bladder. In support of this, medical documents have also been appended with the present petition, as Annexure P-2.

3. Notice of motion.

4. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana puts an appearance on behalf of the respondent/State.



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5. *List again on 12.03.2025.*

To be shown in the urgent list.

6. *Let status report be filed by learned State counsel, after verification of the health condition of the petitioner, which has been mentioned in the instant petition.”*

3. In compliance thereto, learned State counsel has filed status report by way of affidavit of Anirudh Chauhan, HPS, Asst. Commissioner of Police, Sahlawas, District Jhajjar, in the Court today. Same is taken on record. A copy thereof has been handed over learned Counsel for the petitioner. Registry is directed to tag the same at appropriate place with the paper-book.

4. Learned State counsel refers to paragraph No.4 of the status report, which reads as under:

“4. That as per the current medical record the petitioner is suffering from Cholelithiasis (stone in gall bladder) and was referred to Civil Hospital Jhajjar on 11.01.2025 with complaint of pain in abdomen. After examination the petitioner was advised USG Abdomen which was suggested of Cholelithiasis. The petitioner was managed conservatively. The petitioner was again referred to Civil Hospital Jhajjar with the same complaint on 06.02.2025 for admission under Surgery Department for Cholelithiasis but the petitioner denied for his admission and hence could not be admitted on that day. The petitioner was again referred to Civil Hospital Jhajjar for surgery on 10.02.2025 but the petitioner denied for surgery and wanted to be operated from some private hospital. Copy of the follow up record is enclosed as Annexure R-2.”

5. While opposing the contention for interim bail, learned counsel for the complainant argued that the allegations against the petitioner is that petitioner caused murder of his wife and thereafter put the dead body

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ablaze to wipe off the evidence. Expressing apprehension, complainant submits that in case, the petitioner is granted bail, he may not surrender back to the jail authorities within stipulated time and thus, may cause delay in the proceedings, therefore, prays for dismissal of the present petition.

5. As far as apprehension of the complainant is concerned, for the purpose of considering the prayer for grant of interim bail that too on the medical grounds, same cannot be weighted unless supported with some substantial material. Also, it is clear from paragraph No.4 of the status report that petitioner is suffering from Cholelithiasis (stone in gall bladder) and he requires immediate surgery, though the required steps have already been taken by the Jail authorities for surgery of the petitioner, but it is apparent that petitioner genuinely desires to get the surgery done by laparoscopic means in some private Hospital.

6. In view of the above, present petition is allowed and petitioner is ordered to be released on interim regular bail from 13.03.2025 to 11.04.2025 on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate/Area Magistrate concerned. The petitioner shall surrender before the jail authorities by 11:00 A.M. on 11.04.2025.

7. List on 23.04.2025 only to confirm the compliance.

(SANJAY VASHISTH)
JUDGE

March 12, 2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**