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

...Petitioner

...Respondent

FIR No.	Dated	Police Station	Sections
62	21.06.2021	Maur, District Bathinda	302, 452, 506, 148, 149 IPC (201 added later on) and Sections 25, 27, 54, 59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 483 BNSS, 2023 for grant of regular bail.
2. Counsel for the petitioner submits that petitioner is 70 years of age and he is suffering from heart disease, pace maker is already installed which demonstrates that his heart is only working 25%, therefore he orally prays for interim regular bail on medical ground.
3. On 27.02.2024, while passing the order in CRM-M-2314-2023 and connected cases, Coordinate Bench of this Court, denied the bail on medical grounds and it shall be appropriate to refer following portion of the order, which reads as follows:-

“As far as the petitioner Darshan Singh is concerned, he is stated to be a person aged about 65 years and is stated to be having a poor medical condition inasmuch as his heart is said to be not functioning to its optimum and is functioning to the extent of 20% only. Having regard to the medical condition, this Court had ordered for his release on interim bail vide order dated 16.3.2023, the relevant extract of which is



reproduced herein-under :-

"A short reply by way of affidavit of Sh. N.D. Negi, Superintendent, Central Jail, Bathinda has been filed, which is accompanied by medical report, custody certificate and medical test results in respect of the petitioner.

The petitioner, as per the Discharge & Follow-up Card issued by Guru Gobind Singh Medical College & Hospital, Faridkot (Annexure P-7), had been discharged on 01.12.2023 and had been referred to PGI, Chandigarh for further management. As per the medical tests reports, annexed therewith the petitioner is having Ejection Fraction (EF) to the extent of 20-22 per cent, with severe LV dysfunction.

Learned Senior counsel representing the petitioner submits that EF (Ejection Fraction) is a measurement of the percentage of blood leaving the heart each time it squeezes and that in other words, it could be called as the pumping capacity/ability of the heart. It has been submitted that the rate of Ejection Fraction (EF) to the extent of 55-70 per cent is considered to be within 'normal' limits and that in case, the same gets reduced to less than 30 per cent, the same could be a cause of concern being a situation leading towards "heart failure" and that since in the instant case, the EF has been opined to be 20-22%, the condition of the petitioner is apparently precarious.

The learned counsel has further submitted that "LV dysfunction" occurs when the left ventricle which is primarily responsible for pumping oxygenated blood to various organs of body gets damaged or is defective and since it has been opined in Discharge Certificate P-7 that petitioner has severe "LV dysfunction", he is required to be closely monitored and treated which is not possible while he is lodged in Faridkot Jail whereas treatment is being provided in PGI, Chandigarh.

Having regard to the aforesaid medical condition particularly EF percentage of the petitioner, which is stated to be 20-22 per cent, this Court deems appropriate to release the petitioner on interim bail at this stage on his furnishing bail bonds/surety bonds to the satisfaction of learned trial



Court/Chief Judicial Magistrate/Duty Magistrate concerned, so as to enable the petitioner to get himself treated from the hospital of his choice.

List again on 16.05.2023.

Apart from taking treatment from any hospital of his choice, the petitioner shall also get himself examined at PGI, Chandigarh shortly before the next date of hearing particularly as regards his current EF percentage.

The authorities concerned at PGI Chandigarh particularly Medical Superintendent is requested to assist the petitioner to get himself examined in Deptt. Of Cardiology so that requisite medical certificate is furnished to him, when he approaches for the same in month of May 2023.

The petitioner shall produce the entire medical record before this Court in respect of the treatment undertaken by him during the intervening period.”

4. Counsel for the complainant has drawn attention of this Court to the order dated 16.05.2024 passed by the Hon’ble Supreme Court of India in Special Leave to Appeal (Crl.) No(s)6828/2024, which reads as follows:-

“The petitioner was granted interim medical bail on 16.03.2023 and the High Court noted that although the petitioner had visited the hospital on multiple occasion as an outpatient, there was no necessity for him to be admitted, as an indoor patient. Accordingly, the Court opined that the medical condition of the petitioner can be managed without his being admitted to hospital. Accordingly, the regular bail prayed for by the petitioner was...

3. We see no infirmity with the said impugned decision. The Special Leave petition is accordingly dismissed.”

5. Complainant’s counsel submits that one of the primary reason of dismissal was that petitioner took bail on the ground of medical but he never went to the hospital and no treatment was done and no surgery was done. At this, petitioner submits that he did not go for the reason that at that time his health was stable and now his health has deteriorated. Complainant’s counsel further submits that petitioner is main accused with maximum role and minimum custody.

6. I have heard counsel for the complainant and it is clear that petitioner had exploited



interim bail and for that reason, medical bail was rejected but another consequence of the same is that now his health has been deteriorated.

7. Petitioner’s counsel submits that in case this Court grants bail, he undertakes not to contact any witness, victim’s family and surrender firearms, if any. He further submits that petitioner would surrender his passport and would not leave the country and if has to go abroad, he will seek prior permission of this Court for the same.

8. State counsel opposes the bail, but does not dispute the medical condition of the petitioner.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on interim bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

12. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant, witnesses, and members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian



Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

13. The petitioner shall not contact any of the witness.

14. The petitioner would surrender his passport before the investigator and would not leave the country without prior permission of this Court.

15. The petitioner shall surrender in prison from where he was released, on 01.07.2025 at 10.00 A.M.

16. There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition is allowed with the aforesaid observation. It is clarified that no application for extension of interim bail shall be filed in the present petition.** However, in case, petitioner's health does not improve then he shall be permitted to file a fresh petition for regular bail without surrendering. All pending miscellaneous applications, if any, stand disposed of.

21.05.2025
anju rani

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: No