



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

322

CRM-M-18323-2025 (O&M)
Date of Decision:- 21.05.2025

AJAY ALIAS BITTU
Versus
STATE OF HARYANA
....Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Lukesh Kumar, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. Sh. Jeet Singh, Assistant Commissioner of Police, Kharkhoda, Sonipat is present in Court and has filed his explanation and has undertaken to be careful in future. Accordingly, his explanation is accepted and is ordered to be placed on record.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
650	07.12.2017	148, 149, 364, 307, 302, 120-B IPC; 25 of the Arms Act	Kharkhoda, District Sonipat



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 16.04.2018 and no specific over act is attributed to the petitioner. He contends that the petitioner is in a deteriorating medical condition and is unable to pursue the daily routines and is lying in the jail in vegetative condition. He has referred to the Medical Board Report annexed with the petition as Annexure P-8 in this regard to say that the petitioner requires constant nursing care for daily activities and is accepting feed only with the help of a caretaker. He submits that considering the medical condition of the petitioner, he has already been granted the concession of bail in other cases vide orders dated 12.01.2024 and 04.02.2025 (Annexures P-9 and P-10 respectively). Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the bail petition on the ground that the petitioner is involved in a heinous crime and does not deserve the concession of bail. However, with regard to the medical condition of the petitioner, he has not disputed the factual position, as the same finds corroboration from the medical record referred to in the reply filed by the State.

6. After considering the rival contentions and perusing the record, it transpires that so far as the medical condition of the petitioner is concerned, there is no doubt regarding the same as it is evident from the latest medical report dated 01.05.2025 received from the Medical Officer, District Jail, Gurugram (Annexure R-1). A perusal of the report would reveal



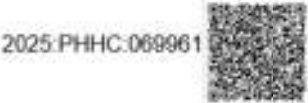
that right from the admission of the petitioner in the jail, his health condition is very poor. He has been taken multiple times to PGIMS Rohtak for specialist opinion of the Neurosurgery Specialist/ENT/Surgery/Ortho for further management and the Medical Board constituted at PGIMS Rohtak reported on 11.01.2025 as under:-

“On examination, patient is conscious, but not fully oriented. He is not following commands properly. He is also having vision loss in right eye and phthisical. Visual acuity of the left eye could not be assessed as patient was not following commands properly. On motor examination, flexion deformity of all four limbs is present with muscular atrophy. He is on external condom catheter for passage of urine and diaper to prevent faecal soiling. Patient is bedridden and requires constant nursing care for activities of daily living. He is accepting feed orally with the help of care giver.”

7. The aforesaid report of the Medical Board dated 11.01.2025 is also annexed with the status report dated 04.05.2025 filed by the State.

8. Therefore, in the light of above facts and circumstances, without touching the merits of the case, and considering the extreme medical condition of the petitioner, where he is living a life in a vegetative condition, being dependent upon others for his daily pursuits, coupled with the fact that he is in custody since 16.04.2018, it is deemed fit and appropriate to extend the benefit of regular bail to the petitioner.

9. Consequently, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without



prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

21.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No