

CRM-M-39732-2025
Date of decision: 01.08.2025.

...PETITIONER

...RESPONDENT

Present: Mr. Himmat Singh Deol, Advocate for the petitioner.
Mr. Manish Bansal, PP for UT, Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
71	06.09.2021	Sector-49, Chandigarh	302/328/120-B IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 of Code of Criminal Procedure [483 BNSS, 2023], seeking regular bail on medical grounds.
2. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of the FIR (Annexure P-7) , which reads as follows:

'Respected Sir, I Navneet Dhillon W/o Late Sh. Brijesh Negi, R/o 1237/2, Sector-43, Chandigarh presently residing at house No. 2876, Sector-40C, Chandigarh working as professor in Fine Arts College, Sector-10, Chandigarh and My husband Late. Sh. Brijesh Negi was in the profession of property sale purchase in association with Sh. Raghuvir Puri and Mr. Sardana. On dated 04.07.2020, I was at my abovementioned residence around 10.00 PM, Mr. Raghuvir Puri my husband's friend called me and informed that my husband Sh. Brijesh Negi is not feeling well and suffering from stomach pain. They are in Forties Hospital Mohali, Punjab and asked me to come over. I immediately rush to Fortis Hospital, Mohali and during that phone call, my husband had a word with me and asked me to get the medical insurance card for his treatment which was in his suitcase. Within 10 to 15 mints I reached the Emergency Fortis Hospital, Mohali. My husband was in Emergency of Fortis Hospital, Mohali and on having a word with him. He told that he is having severe pain in his lower abdomen and told me that he was with Mr. Raghuvir Puri, Mr. Sardana and Mr. Goldy and having



drinks in sector-63, Chandigarh, when suddenly he felt uneasiness and the pain started and had vomited 4 to 5 times, my husband tells that he is not feeling well and suffering from lower abdomen pain. After that when I met the Doctor, he inquired me regarding stone history of my husband and replied him that it was 20 years ago and was fine after that. Dr. Rishi Sood told me that he had given him 2 injections to relieve the pain and are now taking him for the ultrasound. When my husband was about to go for ultrasound, Goldy (third friend) approached me and gave me the keys of my husband's car and told me that he gone. While talking to him I came out of the emergency where Mr. Puri met me and told that Dr. Rishi Sood is his relative and no need to worry. I was in a hurry so I rushed to the ultrasound room, where on reaching I saw 2 attendants were rushing my husband towards emergency and he was lying unconscious. When I reached wanted to enter emergency the guard stopped me outside the ward. After few minutes Dr. Rishi Sood came outside and told me that my husband has had a major heart attack and we are going to treating him. Then, Mr. Mukesh Kumar Goyal who is my husband's childhood friend reach Fortis Hospital Mohali within 10 to 15 minutes, again Dr. Rishi Sood came out and informed us that he is no more. We couldn't save your husband during treatment. The doctor Mr. Rishi Sood was well in touch with my husband's friends and knows each and everything about the incident, because when Doctor Mr. Rishi Sood informed me the said demise of my husband on that time nobody was there, after some few mints all of three i.e. Mr. Puri, Mr. Sardana and Mr. Goldy was there nobody informed them. Goldy went inside the emergency and after 5-10 mints he (Goldy) came out placing his hand on Dr. Rishi Sood's shoulder. Mr. Mukesh Kumar Goyal asked to Dr. Rishi Sood about the cause of death of my husband. Dr. Rishi Sood informed us the reason was corona, after inquire about the same. Again said due to collapsed of lungs, further said due to cardiac attack. After hearing these information we are in shocked. We decided to go for the postmortem to know the actual reason/cause of death. After that I filed a complaint in Sector-49 police station for postmortem, on our request board of Doctors conducted the Postmortem at Government Medical Hospital Sector 32, Chandigarh, and the postmortem report came in the month of Feb 2021, after inquire day to day follow up final we came to know the postmortem report in the month of June 2021 through Police Station Sector 49, Chandigarh. I request you to get justice as per according to the law. Smt. Navneet Dhillon Wife of Late. Sh. Brijesh Negi.'

4. Counsel for the petitioner submits that the petitioner was granted interim bail on medical grounds vide order dated 20.05.2025. He further submits that the health condition of the petitioner is worsening day by day. He further submits that the co-accused Kanwarjit Singh @ Goldy was granted bail vide order dated 20.05.2025 passed in CRM-20815-2025 in CRM-M-18052-2025. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail on instructions and submits that the bail to the petitioner should not be considered as parity to the other co-accused as petitioner's main ground for bail is medical.

REASONING:

6. Given the medical condition of the petitioner, this Court is of the view that bail can be granted to him for treatment keeping in view his medical condition. There is



sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

7. Per paragraph 1 of the bail petition, the petitioner has been in custody from 21.11.2024 till 20.05.2025.

8. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, medical condition of petitioner and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa 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. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to



incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458); and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the 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 in this case, 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.

15. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. **This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.**

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



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19. A certified copy of this order would not be needed 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. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.08. 2025

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Whether speaking/reasoned: Yes

Whether reportable: No.