



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

110

CRM-M-49705-2021(O&amp;M)

Decided on : 31.07.2025

Ashish Kumar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Ajay Kumar Kansal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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**SANJAY VASHISTH, J. (Oral)**

1. Petitioner Ashish Kumar, aged 42 years, has filed present petition under Section 439 Cr.P.C., seeking regular bail in FIR No. 486 dated 29.12.2020, registered under Sections 419, 420, 467, 468, and 471 IPC at Police Station Civil Lines, District Jind, Haryana.

2. Present regular bail petition is pending before this Court since 09.12.2021. Petitioner is alleged to have committed the offence of fraudulently getting a plot measuring 183 square yards transferred in his name from a person who was not the actual owner of the said property.

3. Learned counsel for the petitioner submits that petitioner has been diagnosed with '**Cholelithiasis**' and has been receiving ongoing treatment and medication from the Medical Officer at District Jail, Jind. He was referred to PGIMS, Rohtak for an ultrasound in the Urology Department on 30.10.2021, where it was revealed that the petitioner had a 24 mm gallbladder stone and that his right kidney was weakened and damaged up to 40%. Surgical intervention was advised, with a note that the abdominal



**CRM-M-49705-2021**

- 2 -

swelling was of a serious nature.

Taking note of the medical report, a co-ordinate Bench of this Court granted interim bail to the petitioner vide order dated 24.01.2022, which reads as under:

*“ Case has been taken up for hearing through Video Conferencing Status report dated 20.01.2022 by way of affidavit of Sanjeev Kumar, Superintendent, District Jail, Jind, along with Annexures R/I and R/II filed on behalf of respondent-State, is taken on record. A bare perusal of report of Medical Officer, District Jail, Jind (Annexure R/I) reveals that applicant-petitioner has been diagnosed with "Cholelithiasis" and further in terms of USG report dated 30.10.2021 of Urology Department of PIMS, Rohtak, applicant-petitioner is having stone of 24 mm in gallbladder and his right kidney is weak and 40% damaged. Though, number of efforts have been made to get applicant-petitioner operated upon for above said ailment, but it appears that due to restrictive working at PGIMS, Rohtak, on account of Covid-19/Omicron Pandemic as OPD has been put on hold except in emergency cases, applicant-petitioner could not be operated upon.*

*Faced with this situation, learned counsel for applicant-petitioner submits that as applicant-petitioner is suffering from acute pain in abdomen and has been diagnosed as having "Cholelithiasis", for which surgical intervention is required and further the fact that applicant-petitioner is having medical insurance policy, he may be extended interim bail for at least seven (07) weeks for the time being to get him Operated upon.*

*In view of above, after having heard learned counsel for the parties, petitioner-Ashish Kumar is ordered to be released on interim bail for a period of seven (07) weeks commencing from 25.01.2022 to 14.03.2022 on his furnishing personal bond and surety bond to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Jind, as the case may be and he shall surrender before Superintendent, District Jail, Jind, on 15.03.2022 at 10:00 A.M.*



**CRM-M-49705-2021**

- 3 -

*sharp. Application (CRM-41598- 2021) stands disposed of accordingly.*

*Adjourned to the date already fixed i.e. 21.03.2022.”*

Learned counsel further submits that the interim bail was subsequently continued until 29.10.2022, and thereafter, no specific order vacating it has been passed. He also submits that petitioner's medical condition remains critical, as the surgery for '**Cholelithiasis**' is yet to be performed. Moreover, the trial is at its concluding stage and sending the petitioner back to the jail at this stage, would not be of any meaningful purpose. Thus, counsel prays that the interim bail be made absolute.

4. Learned State Counsel, on instructions from SI Virender Singh, confirms that the trial is indeed at its fag end, and only two prosecution witnesses are left to be examined.

5. Taking into consideration the totality of the facts and circumstances, particularly that the offences are triable by the Court of learned Magistrate and trial is nearing conclusion, and petitioner continues to suffer with a serious medical condition, this Court deems it inappropriate to send the petitioner back to custody at this stage. Interim bail granted to the petitioner vide order dated 24.01.2022 by the co-ordinate Bench is, hereby made **absolute** and **petition is thus allowed**. Petitioner shall be admitted to regular bail upon his furnishing fresh personal and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the learned Trial Court is directed to expedite and conclude the trial at the earliest.



**CRM-M-49705-2021**

- 4 -

6. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

**(SANJAY VASHISTH)  
JUDGE**

**July 31,2025**  
*rashmi*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*