

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Bail App No. 123/2024
CrlM No. 180/2025**

Mohd. Nadeem Samyal

.....Appellant(s)/Petitioner(s)

Through: Mr. G.S. Thakur, Advocate

Vs

UT of J&K

..... Respondent(s)

Through: Mr. Sumeet Bhatia, GA

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
(06.06.2025)**

- 01.** Pursuant to the direction given by this Court in its order dated 29.05.2025, Mr. Sumeet Bhatia, learned Government Advocate has come forward with a status report by the Superintendent District Jail, Udhampur wherein it is being communicated by the Superintendent District Jail, Udhampur that the Doctors of the Government Medical College Hospital (GMCH), Udhampur who attended the petitioner with respect to his reported medical problem did not refer the petitioner for any medical consultation with the Urologist/Oncologist whereas the fact is that the problem with which the petitioner is reporting himself suffering from is the one which, in fact, perhaps requires referral to a Urologist at the least if not at the very first instance

but later meaning thereby there is something which is not coming very clear from the end of the Government Medical College Hospital (GMCH), Udhampur in terms of the Medical Board constituted twice and also by the Superintendent District Jail, Udhampur, which constrains this Court to exercise its discretion in the matter of granting short term bail in favour of the petitioner on medical grounds.

02. Therefore, this court in consideration of facts and circumstances which have come on record and also bearing in mind that the court/s are closing for ensuing summer vacations, hereby grants interim bail for a period of 30 days for enabling the petitioner to get himself medically examined at his own expense and efforts and to the best of his satisfaction so as to rule out any untoward medical ailment attending the petitioner which the petitioner fears to be suffering from. This Court grants interim bail in favour of the petitioner on medical ground for a period of 30 (thirty) days starting from the date of his release from the District Jail, Udhampur on the terms and conditions :-

- I. That the petitioner shall not leave the jurisdiction of UT of J&K without prior permission of the trial court;

- II. That in the operative bail period of 30 days if any date of hearing in the case falls, the petitioner shall appear through his counsel in the case ;
- III. That the petitioner to furnish personal as well as surety bond for an amount of Rs. Five (5) lac each to the satisfaction of the Superintendent, District Jail, Udhampur. Superintendent, District Jail, Udhampur then to forward the personal and surety bond of the petitioner to the trial court so as to be on record of file of the trial court.
- 03.** Immediately upon the expiry of 30 (thirty) days, the petitioner to surrender himself in person before the trial court along with supporting medical record to substantiate the fact that he underwent medical consultation and treatment whereupon this Court reserves discretion in favour of the trial court to consider as to whether the petitioner is entitled for any further extension of bail on medical ground or to be taken back to the custody as undertrial.
- 04.** The trial court shall be well within its discretion to refer the medical record if any produced by the petitioner relating to his diagnosed ailment and advised medical treatment for confirmation to a medical board of Govt. Medical College & Hospital Jammu for its opinion in considering whether the petitioner is entitled to any further extension of bail on medical grounds or not without being influenced by fact that the petitioner has

been granted 30 days' bail at first instance by this court on medical grounds.

- 05.** In light of the above, the application for interim bail **CrIM No. 180/2025** is hereby ***disposed of*** with consequent ***dismissal*** of the petitioner's **Bail Application No. 123/2024** for grant of bail which otherwise was being solicited by him on merits.
- 06.** Copy of the order to be forwarded to the trial court for reference and record sake.

JAMMU
06.06.2025
SUNIL

