

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

CRM M-34077 of 2014

Date of Decision : April 22, 2015

Harmanpreet Singh @ Babloo

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Rakesh Kumar, Advocate

Mr. R.S.Randhawa, Addl. A.G., Punjab

T.P.S. MANN, J.(Oral)

Prayer made in the petition filed by the petitioner is for grant of bail to him on medical grounds as he is suffering from serious diseases.

The petitioner had initially moved this Court twice for the grant of regular bail but his applications were dismissed on 18.9.2013 and 7.2.2014. He then filed another petition for grant of interim bail on medical grounds which was accepted on 24.4.2014 by directing his release on interim bail for a period of three weeks. The interim bail was extended twice and finally on 5.8.2014 when no case was made out for extending the said concession, the petition filed by the petitioner was disposed of by directing the petitioner to surrender before the jail authorities on 8.8.2014. The jail authorities were, however, directed to ensure that the petitioner was given necessary medical assistance and treatment, including proper diet.

In the present petition, the petitioner has alleged that he is a young boy of 18/19 years of age. He has been suffering from HIV, black jaundice and TB. Despite his ailing health, no proper treatment has been provided to him by the jail authorities. He has also not been allowed to have rest and on that account his condition is worsening day by day.

On the last date of hearing, the State counsel had informed the Court that out of the eight witnesses cited by the prosecution, four had already been examined while the fifth partly examined and his cross-examination stood deferred. The Court was also told that though the petitioner was behind the bars since 29.1.2013 yet the prosecution could not examine its witnesses, who were all police officials as they usually remained busy in performing their official duties. Considering the said fact, the Court directed the Senior Superintendent of Police, Kapurthala to remain present. Pursuant to the same, Shri Ashish Choudhary, IPS, Senior Superintendent of Police, District Kapurthala has put in appearance and has also filed his affidavit. It has been mentioned therein that the prosecution has already completed recording of its evidence and now the trial is fixed for examination of the accused under Section 313 Cr.P.C. on 7.5.2015.

As regards the health of the petitioner, the Deputy Superintendent, Central Jail, Jalandhar (at Kapurthala) has already

filed his reply by way of a short affidavit wherein it was mentioned that the petitioner was a known case of HCV Reactive and HBsAg Reactive. On 21.1.2014, he was referred to Civil Hospital, Kapurthala with complaint of anorexia. He was diagnosed as a case of h/o Drug Addict and HCV test positive. He was investigated and put on treatment advised by specialist doctor from Civil Hospital, Kapurthala. He was again referred with complaint of skin infection, Eczema to Civil Hospital, Kapurthala on 29.3.2014 where he was put on advised treatment. The petitioner was referred to PGIMER, Chandigarh on 19.4.2014 for evaluation and management by some Hepatologist but was checked in Department of internal Medicine, OPD from where he was further referred to Hepatology Department. It was also mentioned that after the expiry of the period for which the petitioner was granted interim bail, he returned to Modern Jail, Kapurthala where he was given same medicine as advised by doctors from outside hospital. The petitioner was on TB treatment from 16.5.2014. As he was HIV positive, he was given special diet in jail. He was under regular follow-up from jail doctors.

Keeping in view the fact that the petitioner is suffering from serious diseases like HIV, jaundice and TB and he is being looked after by the jail authorities but as the prosecution has already completed its entire evidence, this Court is of the considered view that the petitioner can be granted bail on medical grounds so that he

may get necessary treatment from the hospital of his choice.

Resultantly, the petition is accepted and the petitioner is granted bail on his furnishing personal bonds in the sum of Rs.1,00,000/- with two local sureties in the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

**(T.P.S. MANN)
JUDGE**

April 22, 2015
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