

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

CRM No.M-6265 of 2016 (O&M)

Date of Decision: 07.04.2016

Meghraj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S. Trikha, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

The petitioner is an under trial in case FIR No.404 dated 18.06.2015 under Sections 302/34 IPC, registered at Police Station Sadar Karnal, District Karnal.

Allegations against the petitioner are of having murdered his real brother over a land dispute. Present application has been filed under Section 439 Cr.P.C. seeking interim bail for a period of one month to undergo a cataract surgery from a specialist.

While issuing notice of motion on 23.02.2016, report of the Jail Doctor, District Jail, Karnal in the light of the assertions made in the petition was called for.

Learned State counsel has produced during the course of hearing today, memo dated 25.02.2016 from the Medical Officer, District Prison, Karnal and addressed to the Superintendent of Prison, District Prison, Karnal and the perusal of the same would reveal that on 29.02.2016, petitioner was referred to KCGMCH, Karnal (a government hospital) for cataract management and control of sugar. He was also examined by an eye

specialist of such government hospital on 29.02.2016 itself and it was found that he is having immature senile cataract in his left eye and Pseudophakia in right eye. It has further been stated that he is under treatment and investigation as regards such health condition.

This Court is satisfied that the petitioner is being given adequate medical/follow-up treatment. He has also been examined by the specialist concerned. The report of the Medical Officer, District Prison, Karnal is not indicative of any emergent surgical procedure that the petitioner requires and that too at the hands of any private specialist.

Prayer for interim bail is, accordingly, declined.

It is, however, clarified that the jail authorities would be bound and would remain obligated to have the petitioner examined periodically for his health ailment and he would be given the adequate treatment as per doctor's advise.

Disposed of.

07.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**