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

CRM-M-49627 of 2017

Date of decision: December 22, 2017

Shiv Lal @ Sholly

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. J.S. Mehndiratta, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Rule Heard forthwith.

Mr. Dhruv Dayal, Sr. DAG, Punjab, waive service on behalf of
the State of Punjab.

The petitioner is under trial facing trial under Section 302 IPC
in the Court of Additional Sessions Judge, Fazilka, District Fazilka.

According to counsel for the petitioner, petitioner's name was
mentioned next day after lodging the FIR and Section 120-B of Indian
Penal Code was added after four months. He invited my attention to
Annexure P-6 certificate issued by Doctor Harpreet Singh, Multi Speciality
Hospital, Amritsar. The Doctor appears to be Gastroenterologist and
procedure for intragastric ballooning was performed. This is a part of
bariatric metabolic surgery. Thereafter, for further management and
supervision, he is required to be seen by the said Doctor or any other
Gastroenterologist.

As a matter of fact, the trial Court had allowed his request for

being referred to the Gastroenterologist on three occasions by various orders dated 29.08.2017, 29.09.2017 & 18.12.2017.

However, vide last impugned order, the trial Court has rejected his request for the reasons that the petitioner cannot allowed to do so as per his *whims and fancies*.

Counsel for the petitioner has submitted that as a matter of fact, the petitioner being under trial, is entitled to get treatment at his own cost. He is not a convict. He does not want any interim bail as such.

Having regard to the entire record, I find that the procedure performed on the petitioner by the Gastroenterologist and then his timely examination for further treatment is essential.

In that view of the matter , I think the petitioner should be allowed to take treatment from the Doctor who is Gastroenterologist which facility he certainly not available with the Government Hospital at Amritsar.

In that view of the matter, the Superintendent in Jail shall cause the petitioner being taken to the Gastroenterologist for reference of course under the security.

In view of the above observations, petition is disposed of.

(A.B. CHAUDHARI)
JUDGE

December 22, 2017
anju rani

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