

Criminal Misc. No. M- 1497 of 2018 (O&M)

Date of decision : March 15, 2018

Rajesh

.....Petitioner

Versus

State of Haryana

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

LISA GILL, J.

The petitioner is an accused in FIR No. 52 dated 13.08.2016 under Sections 376D, 323, 343, 120B IPC and Sections 3, 4, 6 of Immoral Traffic (Prevention) Act registered at Police Station Women, District Jind. He seeks the concession of bail pending trial in this case.

It is submitted that the medical condition of the petitioner is pitiable. He was afforded the concession of bail for a period of six months by this Court vide order dated 17.07.2017 in CRM-M-3387 of 2017, after a specific report in this regard was received.

Learned counsel for the petitioner submits that though the allegations against the petitioner are serious but his medical condition is such that he cannot even look after his routine chores. He does not have any control over his bowel and bladder movements also. The petitioner had duly surrendered after expiry of the six months interim bail afforded to him but his condition has deteriorated. It is, thus, prayed that this petition be allowed.

Learned counsel for the State was directed to ascertain regarding the medical condition of the petitioner. As per medical report

dated 14.03.2018 by the Medical Officer, District Jail, Jind, furnished in Court today, the petitioner was admitted at PGIMS, Rohtak on 14.03.2018.

The report reads as under:-

“ Certified that patient under trial prisoner Rajesh s/o Girdhari, R/o Pengan, presently Rajender Nagar, Patiala Chowk, Jind is confined in District Jail, Jind in case FIR No. 52 dated 13.08.2016 U/s 376D IPC, 343 IPC, 120B IPC, 3 Immoral Trafficking Act, 4 Immoral Trafficking Act, 6 Immoral Trafficking Act, P.S. Women (Jind), is a C/O CVA with frontoparietal infarct with lacunar infarct in (R) temporal with? NCC. As he was not able to stand on its own & was passing stools and urine in clothes, he was referred to Civil Hospital, Jind on 22.02.2018 at 8.58 PM for treatment and management to emergency OPD. From where he was referred to PGIMS, Rohtak. Presently, he is admitted in PGIMS, Rohtak as on 14.03.2018. His present condition can be obtained from PGIMS, Rohtak from treating Doctors.”

Learned counsel for the petitioner points out that the petitioner while in custody was earlier also admitted to PGIMS, Rohtak on 23.02.2018. A certificate by the Senior Professor and Head of the Department of Medicine, PGIMIS Rohtak reads as under:-

“ Patient Rajesh, 33 year old male, inmate of Jind Jail and a k/c/o SIDS with recurrent CVA was admitted on 23.02.2018 at PGIMS, Rohtak vide CR No. 646134 with c/o altered sensorium and aphasia for last two weeks. On investigation, he was found to have fresh episode of CVA. Presently, patient is bedridden and cannot take care of himself. Since the illness is not recoverable, patient needs nursing care regarding bowel and bladder. However, patient needs regular follow up at PGIMS, Rohtak. This is for your kind information and necessary action.”

Learned counsel for the State, on instructions from ASI Prem Kumari, verifies the medical condition of the petitioner as above.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, it is considered just and expedient to afford interim bail for a period of six months to the petitioner.

The petitioner shall be released on interim bail pending trial for a period of six months subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court. The date on which the petitioner shall surrender, be mentioned by the learned trial court.

Petition is disposed of.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 15, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No