

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

**Crl. Misc. No.M-26025 of 2018 (O&M)
Date of Decision: October 08, 2018.**

Amit Doda

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. S.S. Chatrath, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, D.A.G. Punjab.

Ms. Kulvir Kaur, Advocate for
Mr. SPS Tinna, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 read with Section 482 Code of Criminal Procedure for grant of interim bail to the petitioner for one month for his medical treatment in Santokh Hospital Chandigarh as indoor patient and for re-setting of CPAP (Phillips Respironics) Medical Instrument. He is in custody in case FIR No. 120 dated 12.12.2015 registered for the offences punishable under Sections 302, 307, 326, 323, 148 read with Section 149 of Indian Penal Code (for short-IPC) (Sections 201, 115 and 120-B IPC added later on) and 3 (2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Bahaw Wala, District Fazilka.

Medical report of the petitioner was called. Medical Officer, Central Jail, Kapurthala has reported that petitioner is being provided required medical treatment. On consulting his old medical record, Chest and T.B. Consultant endorsed the treatment which the petitioner was already taking. He was also examined by Psychiatric Specialist in jail, who also advised him to take the same treatment. Thereafter, in June, 2018, he was sent to Ranjit Hospital, Jalandhar for rectification of CPAP machine which was not properly working. He was got examined from Chest and T.B. Specialist, Psychiatrist and Doctors at PGI, Chandigarh on various occasions. About his recent medical treatment given to the petitioner, he has reported as follows:-

“Amit Doda s/o Nanak Chand Doda was referred to PGI Chandigarh on 05.07.2018 for check-up. He was checked by Senior Resident Doctor of Department of Pulmonary Medicine and according to the doctor he was advised follow up to PGI Chandigarh on 07.06.2019. Patient came back on same day and was advised same medication as he was already taking.

On 19.07.2018, Amit Doda s/o Nanak Chand Doda was checked by visiting Specialist Psychiatrist Doctor. He was checked and was advised medication. He was also checked by visiting Specialist Doctor Chest and T.B. According to the visiting Specialist Doctor, he was advised urgent Sleep Study Test from PGI Chandigarh.

As recommended by the Visiting Specialist Doctor Chest & T.B. Department, he was advised urgent Sleep Study Test. To clarify, whether the patient require Urgent Sleep Study Test, the letter was addressed to M.S. Office, PGI Chandigarh in which it was requested

to know whether patient require urgent Sleep Study Test or not. The doctor concerned has reported “he is already taking suitable treatment. Sleep Study Test is a routine test which is not required on urgent basis. He needs only regular follow up in clinic and Sleep Study Test is not required urgently.

Amit Doda s/o Nanak Chand Doda was referred to PGI Chandigarh on 05.10.2018 for follow up and treatment for obstructive sleep apnea (OSA) and for Sleep Study, if required. He was checked by the doctor of PGI Chandigarh and was referred to Pulmonary OPD for further management. He was checked by the senior resident of Pulmonary Medicine Department and he has suggested that Sleep Study Test is provisionally scheduled for 07.06.2019 and 08.06.2019.

At present, Amit Doda s/o Nanak Chnad Doda is in stable health condition and will be referred to higher institute like PGI Chandigarh if required as per the health condition of the Patient and as per the advise of visiting specialist doctor.”

Learned counsel for the petitioner submits that petitioner wants to get himself checked at Santokh Hospital, Chandigarh for re-setting CPAP (Phillips Respironics) Medical Instrument and treatment as indoor patient.

From the medical report, it appears that his respiratory instrument is functioning properly and as and when any obstruction or malfunctioning of the same will be observed by the Medical Officer, Central Jail, Kapurthala, he will take immediate action to get it rectified at the nearest/best institute. From the medical report, it appears that there is no immediate reason for release of petitioner on medical ground. Simply because he wants to get himself treated at Santokh Hospital, Chandigarh at

his own expenses is no reason for his release on bail on medical ground. It appears that jail hospital and the doctors posted there are taking due care of the petitioner and getting him examined from the doctors including doctors at PGI, Chandigarh as and when need so arise. I find no reason to allow this petition and release the petitioner on medical ground at this stage.

This petition has no merits. Dismissed.

October 08, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***