

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

CRM-M-42808-2017 (O&M)

Date of decision: 30.01.2018

Jaswinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.27, dated 15.02.2017, under Section 22 of the NDPS Act, registered at Police Station City Rajpura, District Patiala.

As per prosecution version, the alleged recovery effected from the petitioner was of 9000 intoxicant tablets which was found to be containing the salt of diphenoxylate hydrochloride.

Counsel representing the petitioner did not press the instant petition on merits and rather prays for some interim relief in view of the medical and health condition of the petitioner.

On the last date of hearing i.e. on 09.01.2018, this Court had directed the status report reflecting the medical condition of the petitioner to be filed.

In compliance of the order passed by this Court, a status report dated 22.01.2018 of the Deputy Superintendent, Central Jail, Patiala along with Annexure R-1 dated 12.01.2018 of the Senior Medical Officer, Central

Jail, Patiala has been placed on record.

The medical condition as also the treatment in relation thereto, being afforded to the petitioner is reflected in Annexure R-1 and reads in the following terms:

“-Inmate has been diagnosed with hepatitis-B with CLD and left lobe hyper vascular lesion with hepatic cellular carcinoma and CHB cirrhosis.

-He was put on guard to Rajindera Hospital Patiala on 09.06.2017 and than on 23.06.2017 for ultrasound and on 11.07.2017 he was re-offered PGIMER, Chandigarh.

-He was send to PGIMER, Chandigarh Hepatology department on 11.09.2017 then on 22.10.2017, 08.11.2017 where his C.T. Abdomen was done on 24.11.2017 his fibro scan was done and then 28.11.2017 and on 13.12.2017 his quantitative real time Hep.B DNA was done he was send on 01.01.2018 for which he was again called on 08.01.2018 and there his DSA was done.

-Now on 08.01.2018 he was cleared for TACE (Trans catheter arterial embolization) to radiology department, cost Rs.75000/- on 07.02.2018.

-All information is as per Jail Record.

*Sd/-
Senior Medical Officer,
Central Jail, Patiala.”*

A reading of Annexure R-1 would apparently make it clear that the petitioner is suffering from a serious liver disorder as also a related malignancy. Be that as it may, petitioner has been sent repeatedly to Post Graduate Institute of Medical Education and Research, Chandigarh (in short 'PGIMER, Chandigarh') and the necessary scans have also been done. The next date given by PGIMER, Chandigarh is 07.02.2018 for undergoing a particular procedure concerned with the illness of the petitioner and to be conducted by the Radiology Department. In the document placed on record

at Annexure R-1, the cost of procedure to be conducted on 07.02.2018 has been shown to be Rs.75,000/-. At this stage, learned State counsel concedes that she had a dialogue with the Jail Superintendent, Central Jail, Patiala and assures that the cost would be borne out of the State Exchequer and that the petitioner would be taken to PGIMER, Chandigarh for the requisite procedure.

During the course of arguments, counsel has not advanced any submission with regard to a different or a better line of treatment that the petitioner wishes to avail of.

This Court is satisfied that against the backdrop of the illness of the petitioner, the requisite and necessary medical treatment and that too, at the hands of the experts is being afforded.

Prayer for grant of interim relief on health grounds, as such, is declined.

Petition is dismissed.

30.01.2018*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No