

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-5798 of 2018

Date of Decision: June 1, 2018

Shiv Lal @ Sholly

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present: Mr.Vinod Ghai, Sr. Advocate with
Mr. H.S. Brar, Advocate for the respondent.

Ms. Manjri Nehru Kaul, Addl.A.G., Punjab.

Mr.S.P.S. Tinna, Advocate for the complainant.

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M.M.S. BEDI, J.

The petitioner had sought concession of bail pending trial solely on the medical grounds irrespective of the merits.

This Court, on the basis of the medical record produced on the file, had passed interim orders. On February 23, 2018, the petitioner had been permitted to get treatment at the private hospital of his choice by the subject specialist for his ailments, while in custody. The order passed on February 23, 2018 was extended vide subsequent orders and the petitioner had been permitted to be treated in custody even at a Hospital in Gurgaon.

Taking into consideration the fact that certain surgical procedures had to be undertaken, interim order dated February 23, 2018 was extended further.

The report of the Medical Officer has been placed on record along with the certificate of Paras Hospital dated May 7, 2018 indicating that all the necessary tests like Upper GI endoscopy had already been performed and that on the basis of the reports of biopsy clearance of esophageal candidial lesions, Gastric metabolic bariatric surgery would be planned.

Taking into consideration the totality of the circumstances, it appears that the necessary medical care has been provided to the petitioner under the interim orders of this Court. There does not appear to be any imminent surgical intervention required.

The petition bail on medical grounds is thus dismissed at this stage having outlived its utility on account on account of the interim relief granted to the petitioner for a long period from February 2018 till May 2018, without prejudice to the rights of the petitioner for seeking medical treatment, in custody, as per the circumstances existing in future.

June 1, 2018
sanjay

(M.M.S. BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.