

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

**CRM NO. M-17352 of 2020
DATE OF DECISION : 07.07.2020**

Radhey Shyam

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Padam Kant Dwivedi, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner has approached this Court under Section 482 Cr.P.C, seeking issuance of a direction to respondent No.2 to decide his application (Annexure P-4) regarding his release from Central Jail, Hisar in pursuance to the directions issued by Hon'ble the Supreme Court vide order dated 23.03.2020 passed in *suo moto* writ petition (c) No.1 of 2020 regarding decongesting of jails in view of COVID-19.

2. Learned counsel for the petitioner submits that petitioner was running his business peacefully, until one false FIR was registered against him by Telangana Police. He was arrested in that case and was confined in Telangana jail. His bank accounts were frozen by Telangana police which affected his business badly. He was not able to contact his customers and supply the products, which led to registration of various FIRs under Sections 120/406/407/467/468/471/120-B/34 IPC and Sections 4, 5 and 6 of Prize Chit

and Money Circulation Scheme (Banning) Act, 1978 and Section 3 (2) of Haryana Protection of Interest of Depositors in Financial Establishments Act, 2013 in State of Haryana and various other States. The petitioner is presently confined in Central Jail, Hisar.

3. Learned counsel further relies on an order dated 23.03.2020 passed by Hon'ble the Supreme Court in suo moto writ petition (c) 1 of 2020 wherein directions were issued to all the States including State of Haryana to constitute a Committee under the chairmanship of Haryana State Legal Services Authority and decongest jails in certain category of prisoners, keeping in view the pandemic COVID-19. He further submits that petitioner is suffering from acute back pain and he has been referred time and again to Government Hospital, Hisar for treatment. It is further contended that petitioner requires superior quality treatment for his back pain which is not available in government hospital. Petitioner was earlier taking treatment from Sapra Super Specialist Hospital, Hisar. The petitioner has also applied for grant of regular bail vide CRM-M-8323 of 2020 which is pending for 16.07.2020.

4. In the circumstances, wife of the petitioner filed an application dated 09.05.2020 (Annexure P-4) before respondent No.2, but the same has not been adverted till date. Hence, this petition.

5. Notice of motion.

6. Mr. Deepak Bhardwaj, DAG, Haryana, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana.

7. Given the nature of order being passed, there is no necessity to seek return by any of the respondents, as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the petition is disposed of with an observation that since the Out Patient Department (OPD) of PGIMS, Rohtak is not operational due to outbreak of COVID-19, the petitioner be taken to Sapra Super Specialist Hospital, Hisar, as one time measure only.
9. Needless to say that the petitioner shall be taken to the said hospital in custody and after OPD check up he shall be brought back to jail on the same day. The expenses for his movement, as well as, medical treatment shall be borne by the petitioner.
10. Disposed of in above terms.

JULY 07, 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No