

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.30626 of 2021

Date of Decision:06.08.2021

Rishi

...Petitioner

Versus

State of Haryana

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr.Ajay Kumar Gupta, Advocate,
for the petitioner.

Mr.Sharan Sethi, Addl. A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL. J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this petition is for grant of interim bail to the petitioner, who is in custody in FIR No. 126 dated 21.4.2019 registered under Sections 148, 149, 302, 452, 323, 324, 120-B IPC and Sections 25, 54 & 59 of Arms Act at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that apart from the fact that petitioner, aged 31 years, was not named in the FIR but nominated on a supplementary statement of the complainant and therein also no specific role has been attributed to him, the petitioner, is suffering from a critical cardiac

problem. Petitioner had an episode in March 2021 and again in July 2021. He was taken to Kalpana Chawla Government Medical College, Karnal on 02.07.2021 as his condition was critical wherefrom he was referred to PGI, Rohtak/ PGIMER, Chandigarh for opinion. Petitioner was taken to PGIMER, Chandigarh, however, was sent back to Jail without proper treatment after two days. The petitioner is again unwell and he is not getting proper treatment. At this stage, the petitioner seeks interim bail to avail proper treatment. The petitioner, it is submitted, is not involved in any other criminal case.

Learned counsel for the State has circulated a copy of opinion of Medical Officer of the Jail on the WhatsApp group created for the purpose of video conferencing. Print out of the same be taken and attached with the file. It is stated that the petitioner complained of discomfort in chest with shortness of breath, with abdominal pain (epigastric), for which he was referred to higher medical centre i.e., Kalpana Chawla Govt. Medical College and Hospital, Karnal on many occasions. In said report, reference is made to the problem faced by the petitioner on 02.07.2021 for which he was admitted to Kalpana Chawla Government Medical College, Karnal from 02.07.2021 to 04.07.2021. The petitioner, on 5.8.2021, again complained of chest pain and was referred to Kalpana Chawla Government Medical College, Karnal from where he was further referred to PGI, Rohtak/PGIMER, Chandigarh on the same day.

Learned counsel for the State, on instructions from Mr. Amit Bhadu, Supt. District Jail, Karnal, informs that at this point of time, petitioner is being kept at the Hospital at District Jail, Karnal.

The medical reports as well as abovesaid sequence of events clearly reflect that proper medical treatment is not being made available to the petitioner. Once, the doctors at Kalpana Chawla Government Medical

College, Karnal referred the petitioner to a higher centre, there is no plausible explanation coming forth as to why the petitioner, at this point of time, is admitted in hospital at District Jail, Karnal. In the given factual matrix, the petitioner is entitled to interim bail to avail proper medical facility and treatment.

Keeping in view the facts and circumstances as above, petitioner is directed to be released on interim bail for six weeks subject to his furnishing requisite bail bonds and surety to satisfaction of the learned trial Court/Duty Magistrate. Petitioner shall surrender on or before 17.09.2021 before the Jail authorities at Karnal by 4 P.M.

Petition is accordingly disposed of.

(LISA GILL)
JUDGE

06.08.2021

Vivek

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