

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31950-2021

DATE OF DECISION: SEPTEMBER 17, 2021

GURVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUVIR SIDHU, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAP SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 read with Section 482 Cr.P.C. for grant of interim regular bail pending trial in case FIR No.218 dated 30.6.2019, under Section 302, 341, 506, 34 IPC, Police Station Zirakpur, District SAS Nagar, Mohali.

The allegations contained in the FIR as noticed by the Sessions Judge, Mohali, in the order dated 7.8.2020, are as under:-

“The case has been registered on the basis of the statement made to the police by complainant Pawan Saroha, stating therein that on 30.06.2019, he alongwith his friends Kuldeep Singh and Nipur Jain, had gone to Panchkula, in a Car bearing registration No. PB-10-9960 and after completing their work, they were returning back to Zirakpur. That the said car was being driven by the complainant and Kuldeep Singh was sitting on the adjoining seat of driver. When they reached at Sanolian link road, in the area of village Gazipur Sainian, at about 3.00 P.M., a car bearing registration No. PB-65-AK-9297, came from behind and the driver of

the said car brought the same parallel to the car, being driven by the complainant and started hurling abuses. Kuldeep Singh resisted the act and the driver of the other car made the car of the complainant to stop by bringing his car ahead of him. That the occupants of the car came down and three more cars were accompanying them. The assailants opened the door of the side, where Kuldeep Singh was sitting. They gave first and kick blows to Kuldeep Singh. They also tried to drag him out of the car. That the complainant and Nipun Jain alighted from the car and requested the assailants to refrain from doing so, but to no effect. That the assailants also gave slaps and fist blows on the person of complainant and Nipun Jain. Kuldeep Singh became unconscious and the assailants slipped away from the spot, while raising lalkaras. It appeared that the assailants had consumed liquor. Kuldeep Singh was shifted to M-Care Hospital, VIP Road, Zirakpur, where he was declared dead.”

On 8.9.2021, the following order was passed by this Court:-

“Learned counsel for the applicant-petitioner states that the applicant-accused is suffering from multiple health problems and has produced the medical record of the patient.

Notice of motion.

At this stage, Mr. Bhupender Beniwal, AAG, Punjab accepts notice on behalf of respondent-State and prays for time to verify the grounds raised in the petition.

Adjourned to 17.09.2021.

At this stage, Mr. Mukesh Kumar Sharma, Advocate appears on behalf of respondent No.2 and filed power of attorney.”

Pursuant to the above order, reply by way of affidavit of Shivraj

Singh, Superintendent, Central Jail, Patiala has been filed and medical report of the petitioner dated 14.9.2021, is appended as Annexure R-1 which is as follows:-

“Patient calm, conscious & well oriented to time placed person vital stable BP= 122/80 pulse 72/Min RR(N) S1 S2 (N) Patient come to Central Jail Hospital Patiala on 05.07.2019 & presented with complaint of Lower backache, breath leunere rise in Blood pressure & skin allergies appropriate treatment was provided to patient & symptoms approval after treatment patient is also on anti hypertension inselation.

- *Patient was also kept in jail Hospital for lower back pain & Management accordingly.*
- *Patient is C/o Lower back pain & breath leunere for which he is getting medicines from jail Hospital from time to time.*
- *This is for your kind information & necessary action.*

*Sd/- 14/09/21
Dr. Amrinder Singh
Medical Officer
Central Jail Patiala”*

A reading of the above indicates that from time to time the petitioner is getting proper treatment for the above ailment and is being managed properly.

At this stage, learned counsel for the petitioner has argued that the patient is a driver by profession who is suffering from the ailment of back pain and the disease is progressive and he prays that directions be issued to the Jail Authorities to get the petitioner admitted in some private hospital for proper treatment.

After hearing the learned counsel, this Court does not find any merit in the above prayer as the petitioner has been advised rest and physiotherapy as per communication dated 28.8.2021 sent to the Superintendent, Central Jail, Patiala.

In view of the above, no case is made out for release of the petitioner on interim regular bail.

Dismissed.

September 17, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No