

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

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**CRM-26522-2020 in/and
CRM-M-32487-2020
Decided on : 01.01.2021**

Bhim Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Akshay Rana, Advocate, for
Mr.S.S.Rana, Advocate, for the applicant/petitioner.

Mr.R.S.Thind, DAG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-26522-2020

Application for placing on record order dated 07.05.2020 as Annexure P-7, is allowed, in view of the averments made in the application, duly supported by affidavit. Said document is taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CRM-M-32487-2020

The present second petition has been filed under Section 439 Cr.P.C. read with Section 482 for grant of interim bail for 6 weeks for undergoing spinal surgery at Fortis Hospital, Mohali in FIR No.142 dated 27.11.2016 under Sections 307, 392, 223, 224, 120-B, 148, 149, 201, 419, 170, 171, 353, 186, 212, 216, 489 IPC, and offence under Section 25 of the Arms Act, 1959, offence under Sections 11, 13, 16, 17, 18, 20 of UAP Act, 1967 and offence under Section 22, 29 of NDPS Act, 1985 registered at Police Station Kotwali, Nabha District Patiala.

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It is the case of the petitioner that he is in jail for the last 4 years and is aged about 60 years. He is an ex-serviceman who has retired from Army as Naik and served as Securityman for about 6 years at Sainik Welfare Office Sector 21, Chandigarh. Thereafter, he was selected and appointed as Assistant Superintendent, Jail at Maximum Security Jail, Nabha after clearing the departmental examination. He is also a member of ECHS and Fortis Hospital is one of the approved hospitals where ex-serviceman can avail medical treatment and the expenditure for the surgery is to be borne by the Government of India. He is stated to have been suffering from severe pain and had initially filed first application bearing CRM-M-54479-2019 for grant of interim bail which was disposed of on 07.05.2020 (Annexure P-7) wherein he was to be taken to the PGIMER, Chandigarh as and when the lockdown would open for the treatment under police escort.

Counsel for the petitioner, thus, submits that in view of the prevailing COVID situation, PGI is not doing any surgery of the kind of disease the petitioner is suffering from and therefore, he has been examined in Fortis.

On 28.12.2020, the following order was passed:

“Reply by way of short affidavit of Sh. Shivraj Singh, Superintendent Central Jail, Patiala has been filed accompanied by a medical report (Annexure R-1). A perusal of para.2 of the affidavit would show that pursuant to directions issued by this Court, the petitioner was referred to Neuro Surgery Department of Fortis Hospital, Mohali. Para.2 of the said affidavit reads as under:

“2. That in compliance to the orders of Hon’ble High Court passed on 21.12.2020, the patient was referred to Neuro Surgery Department of Fortis Hospital, Mohali on 24.12.2020

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and as per the report of Medical Officer of Central Jail Patiala, “Patient was examined by Dr. Harsimrat Bir Singh Sodhi of Neurosurgery department of Fortis Hospital Mohali on 24.12.2020 and various tests like DEXA, CBC, LFTs, RFTs, SE, ECG, CCXR-PA, Viral Marker, Coagulogram, ECHO were done as per the available record of Fortis Hospital Mohali. Furthermore, patient is again called on 28.12.2020 for MRI by the concerned department of Fortis Hospital Mohali. Patient will be again sent on 28.12.2020”. Report of Medical officer of Central Jail Patiala is annexed herewith as Annexure R-1.”

A perusal of the aforesaid deposition would show that the petitioner is to undergo MRI today.

In view of the aforesaid position, the matter is adjourned to 01.01.2021.

This Court be apprised about the medical opinion as obtained from the Fortis Hospital, Mohali, with regard to the surgery, if proposed.”

In pursuance of the same, short affidavit has been filed by the Superintendent of Police, Patiala wherein it has been mentioned that investigation was carried out on 30.12.2020 and the petitioner has been advised surgery on 04.01.2021 and he has to be admitted on 03.01.2021. COVID tests are also to be conducted and he has to be sent to the Fortes Hospital, Mohali. Medical report has also been annexed as Annexure R-1.

A perusal of the same would also go on to show that the petitioner's case has been accepted for surgery. It is also pointed out that on an earlier occasion in CRM-M-5068-2018 on 19.02.2018 (Annexure P-2), he was released on interim bail for the marriage of his daughter which was to be solemnized on 24.02.2018 for a period of one week by noting that the investigation was complete and challan had been presented and charges had been framed.

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Thus, keeping in view the above background and the fact that the petitioner is an ex-serviceman and was also an employee of the State Government has his roots deep in the society. In view of the medical recommendations of the experts, this Court is of the opinion that the petitioner is entitled for the benefit of interim bail for a period of 6 weeks. Resultantly, petitioner shall be released for the said period, to the satisfaction of the Ilqa/Duty/CJM/Trial Court, Patiala.

JANUARY 01, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No