

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-41408-2020 (O & M)
Date of Decision:25.01.2021

SANDEEP JAIN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Sudha, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due
to Covid-19 pandemic.

CRM-1877-2021

Prayer in the application is for preponement of the date of
hearing in the main petition.

For the reasons mentioned in the application, the same is
allowed. The hearing of the main case is preponed to today and the petition is
taken up on Board today itself.

CRM-1878-2021

Prayer in the application is for placing on record the Medical
status report dated 20.01.2021 of the petitioner as Annexure P-7.

For the reasons mentioned in the application, the same is
allowed. Medical status report dated 20.01.2021 of the petitioner is taken on
record as Annexure P-7.

Main Case

Instant petition has been filed by the petitioner, Sandeep Jain, seeking interim regular bail on medical grounds in FIR No.152 dated 23.06.2020 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) at Police Station City Kharar, District SAS Nagar, Mohali.

As per the allegations in the FIR, the petitioner was stopped on a suspicion, when he was driving a car. He was found to be carrying a black coloured backpack and one cloth sack. On checking, 8400 tablets of Covidol and 780 tablets of Alprazolam were recovered from his car and he was arrested. The weight of the contraband was approximately 3427.20 grams of tramadol hydrochloride and 89.7 grams of alprazolam, which falls within the ambit of commercial quantity under the provisions of the NDPS Act.

Learned Senior counsel, who is representing the petitioner, has referred to the OPD cards, Annexures P-4 and P-5, to urge that the petitioner was operated upon in the year 2015 at PGIMER and an Automatic Implantable Cardioverter Defibrillator (AICD), a battery operated device, was implanted in his chest. He submits that now its battery has become weak and needs replacement. He contends that because of his health condition, the petitioner has been shifted to the hospital of District Jail, Rupnagar.

To ascertain the factual position, this Court vide order dated 14.12.2020 directed the State to file his medical status report. The Medical Officer, District Jail, Rupnagar, vide communication, Annexure P-7, intimated as under:-

“To

Superintendent

District Jail Rupnagar

*Subject: Medical status report of UT Sandeep Jain
s/o Kimat Rai Jain.*

The inmate UT Sandeep Jain S/o Kimat Rai Jain is a patient of dilated cardiomyopathy with severe left ventricular systolic dysfunction for which he was given pacemaker at PGIMER Chandigarh on 12/7/2015. His pacemaker batteries may be wearing out and needs assessment by cardiologist whether to be changed. He is also suffering from fluctuations in blood pressure and complains of on and off chest discomfort. Dilated cardiomyopathy with severe left ventricular systolic dysfunction is a serious heart disease for which he requires treatment from GMCH-32 Chandigarh or any other tertiary level hospital either Govt or private. However due to the COVID 19 epidemic we are facing difficulties in getting appointment at GMCH-32 and other tertiary level govt institutes.

This for your information and necessary action.

MEDICAL OFFICER

DISTRICT JAIL RUPNAGAR”

From the above report, it is apparent that the petitioner is in need of immediate specialized care and due to the restrictive functioning of the medical institutions on account of spread of the contagion, the jail authorities have not been able to get an appointment for his treatment.

On a query by this Court, counsel for the petitioner has submitted that the Senior Cardiologist, who had operated upon the petitioner in 2015 is now serving with the Cardiology Department in GMCH, Sector 32, Chandigarh and the petitioner can be sent to this hospital for follow up.

Counsel for the parties have been heard.

Upon consideration of the matter, the petition is disposed of with a direction to the jail authorities at District Jail, Rupnagar to take the petitioner to GMCH, Sector 32, Chandigarh for medical check up before the doctors to consider drawing the line of treatment and fixing a date for surgical intervention, if required, by a Cardiologist. The process may be initiated at the earliest possible. Thereupon, as per the advice of the doctors and going by the date, which may be fixed for further surgery, in case it is so required, the travel plan under police escort be coordinated by the jail authorities at Rupnagar with the hospital authorities and the petitioner be admitted to surgery and returned to jail gate upon his discharge from the hospital. The entire period shall be covered by police escort.

On asking of the Court, Mr. Parampreet Singh Paul, APP, UT, Chandigarh, has appeared and assured the Court that he will coordinate with the Director Principal, GMCH, Sector 32, Chandigarh and ensure that the jail officials do not face any difficulty in getting an appointment and follow up for the petitioner.

Petition stands disposed of.

25.01.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned:	Yes/No
Whether Reportable :	Yes/No