

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

CRM-M-2040-2022

Date of decision:-21.2.2022

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.Amit Chaudhary, Advocate
for the petitioner.

Mr.S.S. Pannu, DAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This second petition for grant of interim bail has been filed by petitioner Krishan Kumar, aged 39 years, an accused in FIR No.92 dated 9.3.2020, under Sections 15 and 27-A of NDPS Act, 1985, registered with Police Station Sadar, Fatehabad, who is involved in recovery of contraband amounting to commercial quantity. Now he is facing trial in the case. He has filed the instant petition for interim bail on medical grounds contending that he is suffering from diabetes and gangrene. The treatment being given to him by the jail authorities is not

sufficient and adequate and there is a grave apprehension that in case he does not get necessary treatment, then his leg may have to be amputated on account of gangrene and further complications.

Notice of the petition was given to the State, which has filed reply to the petition. In the reply itself, it has been contended that the Medical Officer, Central Jail, Hisar-II on being asked by the Investigating Officer has reported as follows:

“At present the condition of said patient is stable and there is severe pain and mild pus is present. For that intravenously antibiotics treatment was given at Jail's Hospital. The prescribed treatment is continue given to said patient in the jail as advised by the MAMC Agroha and Anti Septic Dressing (ASD) is done regularly at Jail's Hospital. If possible than as per concern of his health patient still need outside hospitalization to prevent grievous injury like amputation of his right foot due to diabetes/gangrene.”

Though a similar petition had been filed by the petitioner earlier, which had been dismissed vide order dated 30.7.2020, copy of that order being Annexure P4 but from the written reply filed by the State incorporating report of Medical Officer, Central Jail-II, Hisar, it comes out that the medical condition of the petitioner/accused is such that he requires outside hospitalization to prevent aggravation of his ailment, which might result in amputation of right foot on account of gangrene since petitioner is stated to be a severe diabetic. On being asked, learned counsel for the petitioner has stated that the interim bail be granted to the petitioner for a period of one month so that he can get proper medical

treatment from doctor/hospital of his own choice at his own expense.

Learned State counsel has also stated that any suitable order under the circumstances be passed in view of the written report filed on behalf of the State incorporating report of the Medical Officer, Central Jail-II, Hisar.

Accordingly the petition is allowed. The petitioner is ordered to be released on interim bail till 24.3.2022, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad on following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

The petitioner shall undertake to surrender at Central Jail II, Hisar on 25.3.2022.

In case the petitioner violates any term and condition on which the interim bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

21.2.2022
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No