

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM No. M-8395 of 2022
Date of Decision : 04.03.2022

Swaroop Singh

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for the grant of interim bail to the petitioner for getting the surgery of his eyes conducted.

Learned counsel for the petitioner submits that the petitioner had approached this Court by filing CRM No. M-44842 of 2021 with the said prayer, which petition was disposed of keeping in view the reply filed by the State but even after expiry of two and half months of the said petition being disposed of, no action has been taken by the authorities concerned to redress the grievance of the petitioner.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana,

who has joined the proceedings through video conference, keeping in view

the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that he has instructions from the Superintendent Jail, District Jind that petitioner will be taken to PGIMS, Rohtak to be examined by the concerned Doctor and the treatment, as recommended by the Doctor concerned will be administered to the petitioner without any fail. Learned State counsel submits that petitioner will be taken to the PGIMS, Rohtak within a period of next 10 days.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

When the petitioner had approached on an earlier occasion, the following order was passed on 23.11.2021 :-

“The present petition has been filed for the grant of interim regular bail to the petitioner for undergoing Cataract surgery.

On the last date of hearing, following order was passed:-

'In the present petition, the prayer is for the grant of interim bail to the petitioner for undergoing eye surgery, which according to him, has been recommended by the hospital authorities.

Before any consideration to the prayer of the petitioner is undertaken, the respondent-State is directed to file a detailed affidavit, as to whether the surgery, which the petitioner intends to undergo, is required and also as to whether the petitioner can undergo the said surgery while in jail.

The said affidavit be filed along with the opinion of the doctor concerned by the next date of hearing.

Adjourned to 23.11.2021.'

Reply has been filed by the respondent-State, wherein, it has been mentioned that after the petitioner was advised for

undergoing Cataract surgery in the left eye by the doctors of PGIMS, Rohtak, the petitioner initially refused for said surgery. It has further been mentioned in the reply that Cataract surgery can be undertaken while the petitioner is in jail and all the precautions as advised by the medical authorities, will be undertaken as and when the petitioner undergoes the said surgery.

Learned counsel for the petitioner submits that keeping in view the reply filed on behalf of the respondent-State, the grievance of the petitioner as raised in the present petition stands redressed and, therefore, he does not press the present petition any further and the same may be disposed of as such.

Ordered accordingly.”

It was incumbent upon the respondent-authorities to get the petitioner medically checked up and treated immediately without fail. The laxity on the part of the jail authorities is not appreciated at all. Now, as the learned State counsel has submitted before this Court that petitioner will be taken to the PGIMS, Rohtak to be examined by the Doctor concerned within a period of next 10 days, it is directed that petitioner be got examined from the Doctor concerned from PGIMS, Rohtak within a period of next 10 days and petitioner be administered the treatment as recommended by the Doctor concerned without any fail as expeditiously as possible.

Petition is disposed of in above terms.

March 04, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No