

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9485-2022
Reserved on: 11.03.2022
Pronounced on: 15.03.2022

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jasbir Mor, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
333	12.09.2020	Sadar Gohana, District Sonipat	302, 342, 364, 506 IPC read with Section 34 IPC. (Sections 148/149 IPC deleted and Section 34 IPC added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking limited period bail on the grounds mentioned in paragraphs 3, 4, & 5 of the bail application, which reads as follows:

“3. That it is submitted here that there was a pain in the left shoulder of the petitioner and doctor of the PGIMS Rohtak has advised for the surgery / operation of the left shoulder of the petitioner. Therefore, the petitioner has submitted an application before the Ld. Distt. Sessions Judge, Sonipat for grant of ad-interim bail on the medical ground for his treatment/surgery of the shoulder from PGIMS, Rohtak. Therefore, the Ld. Additional Sessions Judge, Sonipat was pleased to grant the ad-interim bail for a period from 1.12.2021 to 14.01.2022 for getting the medical treatment/surgery of his shoulder vide order dated 30.11.2021. A copy of the order dated 30.11.2021 is enclosed herewith as **annexure P/2**. Therefore, the petitioner was got admitted in PGIMS and he was operated by the Doctor of PGIMS and he was operated by the Doctor of PGIMS. He remained admitted in the said hospital from 5.1.2022 to 7.1.2022 and discharged on dated 7.1.2022. The Doctor advised the complete test at the time of discharge and further advised “no weight lifting with affected limb, physiotherapy of left shoulder as advised. Further advised to get check up after two weeks. The petitioner has went to the PGIMS after two weeks on dated 20.01.2022 and after checking, the doctor

- advised physiotherapy of left shoulder for three weeks. The copies of the Discharge slip and OPD card are enclosed herewith as **annexure P/3.**
4. That the doctor had advised the rest of three weeks, therefore, the petitioner has submitted the application for grant ad-interim for one month. The Ld. Additional Sessions Judge, Sonipat was pleased to extend the ad-interim bail for two weeks from 15.01.2022 to 27.02.2022 vide order dated 13.01.2022. The copy of the order dated 13.01.2022 is enclosed herewith as **annexure P/4.**
 5. That it is further submitted here that on account of crone (covi-19) pandemic, the physiotherapy was closed in the PGIMS, Rohtak, therefore, the Doctor of the PGIMS advised the petitioner to get the physiotherapy from the private hospital/institution, therefore, the petitioner has approached Noble Heart and Super Specialty Hospital, Rohtak on dated 22.1.2021 for the physiotherapy. The Doctor checked up the petitioner and advised x-ray of left shoulder and further advised Physiotherapy of left shoulder for three weeks and avoid heavy work and further advised rest for three weeks. Therefore, the petitioner has started the physiotherapy from the said hospital on dated 24.1.2022. The copies of the OPD card and fees receipt for physiotherapy are enclosed herewith as **annexure P/5."**

2. The petitioner has not disclosed criminal antecedents in the bail petition.
3. Ld. Counsel for the petitioner contends that petitioner is entitled to interim bail and there would be no justification to deny it.
4. The State has handed over copy of the medical report. The contention on behalf of the State is that the grounds taken for interim bail are not sufficient for conserving the application for interim bail.

REASONING:

5. The medical report given by the Medical Officer attached to the District Jail, Sonipat, reads as follows:

"It is respectfully submitted to the Hon'ble Court that the Inmate Patient UT-Ram Niwas S/o Sh. Baljit was admitted in District Jail Sonipat on 28.01.2022 after 2 (Two) months (from 01.12.2021 to 28.01.2022) Interim Bail. At the time of entry in jail he was examined by Jail Medical Officer. He stated that he was operated for left recurrent shoulder dislocation on 05.01.2022 and he was discharged from P.G.I.M.S. Rohtak on 7th January, 2022. He was prescribed medicines for 07 days and also advised physiotherapy of left shoulder and no weight lifting with affected limb. He was given treatment for body pain and left shoulder pain in jail.

It is further submitted that the said inmate/patient was sent to Orthopedic Department at P.G.I.M.S. Rohtak on 10.02.2022. There he was examined by specialist doctors of the Orthopedic Department and advised medicines for 14 (fourteen) days and also advised shoulder flexion, shoulder abduction exercise, physiotherapy of left shoulder. Again on 24.02.2022, he was sent to Orthopedic Department at P.G.I.M.S. Rohtak for follow-up. Specialist Doctors of at P.G.I.M.S. Rohtak prescribed medicines for 14(fourteen) days and also advised shoulder abduction and pendular exercise of left shoulder.

Today i.e on 10.032022, I, Dr. Gaurav Kumar, Medical Officer, District Jail Sonipat, examined the said inmate patient. The said patient/inmate complaining of pain in left arm and he was given treatment accordingly. The said inmate patient will be sent to the P.G.I.M.S. Rohtak in Orthopedic Department on

scheduled date i.e. 14.03.2022 (Monday) for follow-up and further investigations, treatment and management, as the Monday and Thursday is fixed for Orthopedic O.P.D. at P.G.I.M.S. Rohtak.

Submitted for the kind perual please.”

6. An analysis of the grounds for bail taken in the petition, the documents attached with the petition viz a viz the medical report does not warrant the grant of bail to the petitioner.
7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 15, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.