

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-21489-2022

Date of decision : 31.05.2022

Ravinder Singh @ Giana

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Saurav Bhatia, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 489 Cr.P.C. praying for issuance of directions to the respondents to get the petitioner treated at Government Hospital or any other dental hospital as the same is not available in the Jail Hospital situated at Central Jail, Bathinda in FIR no.268 dated 29.11.2019 registered under Sections 52A of Prisons Act, 1894 at Police Station Tripri Patiala, District Patiala.

On 18.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that in spite of order dated 08.03.2022 passed by this Court in CRM-M-9912-2022, still, prayer in the application dated 21.12.2021 to the effect that Jail Superintendent, Central Jail, Bathinda may give proper treatment to the petitioner for severe pain of molar cavity by sending him to “Government/Private Dental Hospital” is pending.

Notice of motion for 31.05.2022.

Learned trial Court is directed to submit report with

respect to compliance of order dated 08.03.2022 passed by this Court in CRM-M-9912-2022 before the next date of hearing.

A copy of this order be sent to the concerned trial Court.

18.05.2022 ”

In pursuance of said order, the Judicial Magistrate Ist Class, Patiala, has sent the report. As per said report, the application dated 21.12.2021 was allowed on 21.12.2021 and in pursuance of the same, the medical report was received on 07.01.2022 whereby it was submitted by the Senior Superintendent, Central Jail, Bathinda, that as per the advice of the Jail Medical Officer and the visiting dentist from Civil Hospital, Bathinda as well as, as per the opinion of Dr. Rajnish Kansal, Dental Surgeon, the ailing tooth needs extraction but the petitioner has refused to get the same. It is further submitted in the said report that for further treatment, the Civil Surgeon, Bathinda and private doctor dentist Dr.Rajnish Kansal, are being consulted.

Learned counsel for the petitioner has submitted that in the application dated 21.12.2021, a specific prayer had been made to give proper treatment to the petitioner to treat the severe pain in his molar cavity by sending him to a private/Public Dental Hospital. It is further submitted that as per the understanding of the petitioner, his medical problem can be resolved by way of a root canal treatment and extraction of the tooth would not be required. It is further submitted that said treatment is available in various private/public dental hospitals and thus, the petitioner would be satisfied in case the trial Court is directed to consider the request of the petitioner for the root canal treatment to be conducted at any private/public dental hospital having the said facility. The petitioner is ready to bear the expenses of the said treatment. It is further submitted that in case the trial

Court, in the given facts and circumstances, comes to the conclusion that the said request of the petitioner can be entertained and the same is permissible in law, then an order to the said effect be passed within a period of one month from the date of receipt of copy of this present order and in case, for any reason, the trial Court is of the opinion that the same cannot be done, then a speaking order regarding the said aspect be passed within the aforesaid period so as to entitle the petitioner to further challenge the said order.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the trial Court to consider the prayer of the petitioner with respect to getting his root canal treatment done from a private / public dental hospital, subject to the expenses of the same being borne by the petitioner, within a period of one month from the date of receipt of certified copy of the present order.

(VIKAS BAHL)
JUDGE

May 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No