

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

246

CRM-M-51667-2022

Date of decision :-05.12.2022

Ravinder Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Shantanu Bansal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana, for the respondent-State.

SUVIR SEHGAL, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner has approached this Court for grant of interim bail in FIR No.516, dated 12.12.2017 registered for offences under Sections 302, 34 and 120-B of IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station Urban Estate, District Rohtak.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Gurmail Singh @ Piku, wherein he stated that on 11.12.2017 at about 08.15 pm, when he was returning home after shutting down his office, he saw that when his brother-in-law, Satyawar Malik was purchasing medicines, a Scorpio vehicle came with four armed boys. One of them shot his brother-in-law in the head, who collapsed. While fleeing from the spot, one of the boys dropped his gun. It has been further stated that about 10 months ago, one Sandeep Badwasia was murdered and his brother-in-law was named and because of this, Amit, Rajesh, Mohit residents of Badwasni, Ajay resident of Borana, retired Inspector Kawal Singh, Vineeta, Ravinder s/o Hawa Singh, present petitioner, Captain Ramkaran and Rupesh, who is accused of a

murder and is currently on bail conspired and got his brother-in-law killed through unknown person.

Counsel for the petitioner submits that the first petition seeking grant of regular bail was withdrawn from this Court, after making submissions, vide order dated 28.09.2021. He submits that petitioner is suffering from various medical ailments and a *cataract* surgery has been recommended. He has placed reliance upon a medical report dated 05.09.2022, Annexure P-3, to substantiate his submission.

In response to notice issued by this Court, State has filed a status report by way of an affidavit of Deputy Superintendent of Police (HQ), Rohtak, which is taken on record annexing therewith a medical status report dated 21.11.2022 from the Office of the Senior Medical Officer, Dispensary, Central Jail No.4 Tihar, New Delhi. On the basis of the same, State counsel has opposed the prayer and has submitted that the petitioner is being provided the necessary medical treatment. She submits that a similar application was filed by the petitioner before the trial court, which has been declined vide order dated 06.09.2022, Annexure P-2.

I have heard counsel for the parties.

Medical status report of the petitioner, which has been filed with the status report, deserves to be noticed and is reproduced as under:-

“As per available records, it is hereby submitted that the inmate patient admitted in Tihar Prison on 11/06/2019 wherein his medical examination was done by the duty doctor and next on 12/06/2019. In both medical examination he gave history of CAD (coronary artery disease) and hypertension for which his P'TCA (percutaneous trans catheter coronary angiography) with stent was done in 2017 and 2018 at Max hospital, patient also gave history of alcohol intake for 10 years for which he was thoroughly examined by doctor on duty and prescribed treatment accordingly.

It is further submitted that inmate patient is a known case of CAD (coronary artery disease), hypertension and diabetes mellitus with PTCA with stent in 2017 and 2018.

On 06/07/2019 inmate patient was seen by doctor on duty wherein his blood pressure was on higher side for which he was thoroughly examined and provided treatment accordingly.

Thereafter inmate patient visited jail dispensary on & off for follow of hypertension & CAD (coronary artery disease) for which he was thoroughly examined and provided treatment accordingly.

In between his HbA1c test was also done for diabetes mellitus which was on higher side (7.7%) and a diagnosis of diabetes mellitus was made.

Thereafter inmate patient was seen by SR medicine for follow up of above mentioned diagnoses and advised RBS (random blood sugar) charting and also advised treatment accordingly and started treatment for diabetes mellitus also.

Thereafter on 28/04/2020 inmate patient was seen by doctor on duty for follow up wherein his blood pressure was on higher side (180/100 mmhg) for which he was thoroughly examined and provided treatment accordingly.

Further on 12/01/2020, 09/06/2020 patient again visited jail dispensary for follow up of CAD, Hypertension and diabetes mellitus for he was seen by doctor on duty and provided treatment accordingly.

Thereafter on 20/06/2020 at 3:00pm and on 21/06/2020 on 08:40 pm, (Night) patient visited jail dispensary for complaint of ghabrahat and chest pain for which he was thoroughly examined by doctor on duty and ECG was done and his blood pressure was on higher side (177/99 mmhg) for which he was provided treatment accordingly.

Thereafter, inmate patient visited jail dispensary multiple times as a known case of CAD post PTCA for which he was thoroughly examined by doctor on duty and jail visiting medicine SR and provided all appropriate treatment.

Thereafter on 28/09/2021, inmate patient presented at Emergency, Jail Dispensary wherein he provided complaint of fainting episode some time back, for which he was given primary treatment and admitted in MI room of JC-04 dispensary, while admitted in MI Room he was regularly monitored for his vitals parameters and being examined by concerned doctor. Later on 02/11/2021, he

was discharged from MI room with further advice for cardiology review.

Thereafter on 13/11/2021 and 15/12/2021, inmate patient was sent to department of cardiology at GB pant hospital as a case of Hypertension, CAD, Post PTCA (on 04-05-2017/12-11-2018), wherein he was thoroughly examined, his ECG showed some Q wave changes with tachycardia for which apart from prescribing appropriate treatment and he was asked to review with 2D-echo report.

Thereafter on 14/01/2022 he was sent to GB pant hospital for 2D-echo and the same was done which was suggestive of concentric LVH with grade-II LxDD with normal SF.

Thereafter on 19/01/2022, inmate patient was again sent to department of cardiology at GB pant hospital with 2D-echo and all other prescribed investigation on earlier date, for which he was thoroughly examined and advised proper treatment and review SOS.

Thereafter on 29/03/2022, inmate patient presented in emergency at jail dispensary with Ghabrahat, sweating and chest pain, on examination his RBS is found to be 309 mg/dl, whereas B.P. is found to be 150/100 mmHg. In view of the clinical presentation and vitals parameters inmate patient was immediately admitted in MI room for round the clock monitoring and referred for medicine opinion.

Thereafter on 08/07/2022, inmate patient was seen by jail visiting Eye SR, wherein the inmate patient provided the complaint of blurring of vision (6-months), for which he was examined thoroughly and referred the patient to Central Jail Hospital.

Accordingly on 13/07/2022, inmate patient was sent to Central jail hospital, wherein he was examined thoroughly and referred the patient to DDU hospital accordingly.

Thereafter on 19/07/2022, inmate patient was sent to Eye department at DDU hospital for complaint of blurring in right eye (1-year), for which he was examined thoroughly, prescribed appropriate treatment accordingly and advised for PAC clearance, hence advised all routine investigations.

Thereafter on 27/07/2022, inmate patient was sent to Cardiology department at GB pant hospital as a follow-up case of CAD/inferior wall M1/DVD, for which he was thoroughly examined, advised appropriate treatment accordingly and got him admitted there.

While admitted, inmate patient has undergone 2D-Echo on 28/07/2022, which was suggestive of CAD/RWMA

in RCA/mild LVSD, later inmate patient was advised for Holter monitoring, for which inmate patient denied and discharged with appropriate medication with further advice for Endocrinology consultation in view of poorly controlled diabetes.

Thereafter on 02/08/2022, inmate patient was sent to Eye department at DDU hospital, wherein he was referred for final PAC clearance, thereafter on same day i.e. 02/08/2022, inmate patient visited department of anesthesiology for the same, wherein he was advised for review PAC with certain additional investigations.

In the meantime on 19/04/2022, 16/05/2022, 15/06/2022, 02/07/2022, 20/07/2022, 06/08/2022, 15/09/2022, 15/10/2022 and 02/11/2022 inmate patient was seen by doctor on duty as a follow-up case of CAD, for which he was examined thoroughly, advised appropriate treatment accordingly.

Thereafter on 11/08/2022 inmate patient was seen by jail visiting Medicine SR as a follow-up case of CAD under treatment from GBPH with A/H/0 2-3 episodes of Syncopal attack for which he was thoroughly examined, provided appropriate treatment and advised for cardiology review accordingly.

At present inmate patient is suffering from Diabetes mellitus-II, Hypertension, CAD, Post PTCA, concentric LVH and cataract right eye for which he is being provided treatment and reviews as applicable accordingly.”

A perusal of the report shows that whenever the petitioner has complained of any medical issues, he has been immediately taken for check-up to the health centre and the necessary medication is prescribed. Report also shows that a proper follow-up has been done by the jail doctor. Although, it has been mentioned that he is suffering from some ailments, but he is being providing treatment and review. It is not the case of the petitioner that the arrangement for providing necessary medical care and attention is not available nor has he complained that the petitioner is not being taken care of. This Court is, therefore, of the view that his release on interim bail is not made out. Still further, it deserves to be noticed that petitioner is alleged to have connived with the co-accused and murdered Satyawar Malik. Charge has been framed against

him for homicide and the trial is fixed for prosecution evidence, which is yet to start. Release of the petitioner at this critical stage, would not be in the interest of the prosecution as the petitioner has a notorious past and is involved in two other criminal cases registered against him in the National Capital Region.

Keeping in view the totality of the facts and circumstances, this Court is not inclined to grant interim bail to the petitioner.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case nor it will be in any way stop the jail authorities from providing him due medical care and attention, whenever required.

05.12.2022
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No