

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARHSr. No. 255CRM-M-11224-2022Date of decision : 23.03.2023

Aman Garg @ Babal

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBALPresent: Mr.Monty Goyal, Advocate, for the petitioner.

Mr.A.P.S.Tung, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition the petitioner seeks grant of interim bail on medical grounds.

On account of alleged recovery of 27000 tablets containing tramadol hydrochloride from the petitioner's possession FIR No.202 dated 12.09.2021 was lodged against the petitioner under Sections 22 (C) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short, the NDPS Act) (Section 29 of the NDPS Act added later on) at Police Station City Kotkapura, District Faridkot. The police investigated the matter and filed a report before the competent court under Section 173 Cr.P.C. on the basis whereof the trial court framed charges against the petitioner to face trial under Sections 22 (C) and 29 of the NDPS Act.

During the pendency of his trial the petitioner has filed the instant petition seeking therein interim bail on medical grounds. While considering the petitioner's prayer for the grant of interim bail, on 04.04.2022, this Court had passed the following order: -

“Through the instant application filed under Section 439 Cr.P.C. the petitioner who is facing trial in FIR No.202 dated 12.09.2021 registered under Section 22(C) of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station City Kotkapura, district Faridkot, seeks interim bail on medical grounds.

In response to the notice issued by this Court the State has filed an affidavit to which is also attached the petitioner's medical report dated 31.03.2022 which reads as under :-

“It is submitted that UT Aman Garg S/o Ashok Kumar is a known case of uncontrolled Hypertension and Diabetes Mellitus with rectal prolapse and mucosal ulceration and old history of total hip replacement. The patient got transferred from Faridkot Jail to Central Jail Ludhiana on 22.10.2021. Patient's health record received at Central Jail Ludhiana mentions his treatment from Urban PHC, Dholewal. The record says he is a patient of rectal prolapse with hypertension with diabetes mellitus with history of constipation vide his OPD slip no.6088 dated 12.07.2021, 27.07.2021, 09.08.2021 and 27.08.2021, a medical report from Medical Officer of Urban PHC, Dholewal Ludhiana vide CR No. 6088 dated 01.09.2021 mentions that patient had complete rectal prolapse with bleeding per rectum, mucosal ulceration for which he was advised surgery but due to ulceration and bleeding, he remained under conservative treatment with antibiotics, anticoagulant and IV. fluids from 22.04.2021 till his last consultation on 01.09.2021. The patient was advised surgery for his condition by above mentioned doctor.

On 25.10.2021, he complains of pain in rectal area with passing of blood with stool. On local examination, reddish rectal mucosa was visible, oozing out of anal sphincter with blood stain. Therefore, patient was referred to Civil Hospital Ludhiana on 26.10.2021 and 12.11.2021 from where he was further referred to Rajindra hospital Patiala for treatment. Patient remained admitted at Rajindra Hospital Patiala from 13-11-2021 to 13-12-2021 where he could not undergo surgery due to his uncontrolled high blood pressure and blood sugar levels.

The patient returned to Central Jail Ludhiana on 13.12.2021 and is admitted in jail hospital since then. Due to patient's fluctuating high blood pressure and blood sugar levels, he was referred to Civil Hospital Ludhiana for follow up on 18-12-2021, 01-01-2022, 13-01-2022, 14-01-2022 & 15-01-2022 and also referred to Rajindra Hospital, Patiala for treatment and management. On 28.01.2022, he was examined by medicine specialist visited Central Jail for medical camp and advised treatment.

Thereafter, he was again referred to Rajindra Hospital Patiala on 26.02.2022 where he has been advised rectopexy after PAC clearance. He was again referred to Rajindra Hospital Patiala on 30.03.2022 where again surgery was advised before colonoscopy for which he was called again on 05.04.2022. Currently, the patient's condition shows no significant improvement and patient complained of generalized pain abdomen and crampy pain after meals. On rectal examination, patient expresses complete rectal prolapse with blood and passing stool with mucus & blood.”

The afore quoted report clearly shows that the petitioner's medical condition is not good and that he needs surgical intervention.

After considering the totality of the above facts, while adjourning the present petition to 05.07.2022 it is considered just and appropriate to direct that subject to the satisfaction of the CJM/Duty Magistrate, Faridkot, who shall insist on heavy local sureties, the petitioner be released on interim bail till 03.07.2022.

It is clarified that on the adjourned date, subject to the petitioner's surrender before the jail authorities, further orders in the present petition would be passed."

On the submissions made on behalf of the petitioner that the petitioner continued to need medical attention the relief granted to the petitioner through the afore quoted interim order was ordered to continue.

On 15.09.2022 this Court posed a query to the State as to whether the State has verified the petitioner's medical certificates on the basis whereof he had sought interim bail. On this learned State counsel on 15.09.2022 and 27.10.2022 prayed for time to do the needful.

Thereafter, an affidavit dated 01.11.2022 of DSP, Sub Division, Kotkapura, District Faridkot has been filed the operative part of which reads as under: -

"3. That in connection with the medical reports produced by petitioner as Annexure: P-9 to P-11 purportedly issued by Dr. Saurav Singla, DNB Ortho, Medical Officer, Civil Hospital, Ludhiana, S.I Pritam Singh, P.S City Kotkapura has been deputed to verify the record. The incumbent official has applied to the concerned medical officer and sought the entire medical record as to the treatment of petitioner vide Letter No. 2712-5A Dated: 11-10-2022.

4. That concerned medical officer vide his office letter dispatch no.131822/22 Dated: 15-10-2022 has established that the petitioner has visited the Civil Hospital, Ludhiana vide OPD Slip No. 120331 Dated: 27-7-2022 as outdoor patient and examined by concerned surgeon and prescribed him medication as mentioned in Annexure: P-9, however the concerned medical officer denied for any bed rest was advised by him as mentioned in the slip and claimed that this part of Annexure: P-9 was not in his handwritten. Further the report reveals that the medical slips Annexure: P-10 and P-11 were never issued by concerned medical officer and claimed that both these documents are forged and fabricated. Copy of report is annexed herewith and marked Annexure: R-1."

As per the afore reproduced portion of the affidavit the petitioner has been found to have fudged/forged medical record to procure orders from this Court.

No response to the afore affidavit has been filed by the petitioner.

Least to say that the petitioner’s conduct is deprecated.

In the light of the above, the present petition is dismissed.

The State is directed to investigate the afore allegations of forgery by the petitioner and file a report.

For the afore purpose only list on 05.07.2023.

23.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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