

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.31465 of 2023 (O&M)
Date of Decision : 10.07.2023

RahulPetitioner

versus

State of HaryanaRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manish Soni, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana

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ALKA SARIN, J. (Oral)

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim regular bail pending trial for a period of three months to the petitioner on medical ground in FIR No.68 dated 25.02.2023 under Sections 323, 325, 307, 354-B, 506/34 of the Indian Penal Code, 1860 registered at Police Station Sector 9A, Gurugram.

Learned counsel for the petitioner would contend that the petitioner, who is 25 years of age, is a case of grievous injury (fracture temporal bone) with active symptoms of facial nerve palsy (from grade 4 at time of entry in jail to current grade 5 as per PGIMS Rohtak opinion). The learned counsel would further contend that the present medical condition of the petitioner may cause partial or complete neuropathy/paralysis in future.

Learned counsel for the State has filed the report by way of affidavit of Satyabhan, Deputy Superintendent, District Jail, Gurugram and, in para-7, the opinion of the Jail Medical Officer has been reproduced which reads as under :-

“Under trial prisoner, 2016/2023 Rahul s/o Virender, is a Grievous Hurt injury case (Fracture Temporal Bone), Head Injury, with active symptoms of Facial Nerve Palsy (From House Brachmann Grade – IV [Moderately severe Dysfunctional] at the time of entry in Jail to current House Brachmann Grade – V (Severe Dysfunction] as per PGIMS Rohtak specialist opinion) and age being just 25 years (young), which may cause partial or complete neuropathy/Total Paralysis (Grade VI) in Future. To avoid unnecessary delay in re-investigations, as wherever he goes, either in Government or Private, doctors would have asked for re-evaluations and investigations which would cause delay in treatment and it is pertinent to mention here that, Indian Institute of Spinal Injuries, vasant Kunj, New Delhi would have his all previous Medical History and may be beneficial to the patient on seeing his medical condition. Also to mention here that, Jail Hospital, Gurugram is a primary care institute, in case of any severe emergency, he cannot be managed here and he was referred to PGI MS Rohtak (Highest Tertiary care institute of Haryana), but there is no

symptomatic improvement and current health condition is deteriorating day by day.”

Keeping in view the medical condition of the petitioner, the petitioner is granted interim bail on medical ground for a period of three months from today i.e. 10.07.2023 uptill 10.10.2023 subject to his furnishing bail bonds with heavy surety to the satisfaction of the Trial Court/Addl. Sessions Judge (Duty) concerned. The petitioner shall surrender before the Jail Authorities on 11.10.2023 before 5.00 PM.

The petition is accordingly disposed off.

10.07.2023
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO