

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

**COCp-2288-2023 (O&M)
Date of decision: 07.08.2023**

Palwinder Singh

...Petitioner

Versus

Shivraj Singh Nandgarh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges violation of the order dated 24.09.2008, passed by the Division Bench of this Court in CWP-9650-2007, vide which, certain guidelines/directions were issued to the police and jail authorities as well as the Courts regarding prevention of inhuman condition.

It is stated that the petitioner is accused in case FIR No.182 dated 12.10.2021, registered under Sections 302, 201, 34 of the IPC and Section 25 of the Arms Act at Police Station Sadar Ludhiana, District Ludhiana and he is confined in Central Jail, Ludhiana and is facing trial. It is alleged that the respondent is violating the aforesaid directions by not providing specialized medical aid.

On the last date of hearing, after hearing learned counsel for the petitioner, the case file of CRM-M-3386-2023 was directed to be tagged with this case file, so that an appropriate order can be passed.

A perusal of the paperbook of the tagged case shows that the

petitioner is seeking grant of regular bail in aforesaid case/FIR. The said case is pending since 27.01.2023 and is now fixed for 23.08.2023 i.e. over a period of 08 months. The petitioner has also pleaded the ground that he needs urgent medical care.

Learned counsel for the petitioner submits that the petitioner was arrested on 12.10.2021 and after presentation of *challan*, charges were framed on 17.03.2023 and case is fixed for prosecution evidence and out of 19 prosecution witnesses, only 03 witnesses have been examined so far and PW-1 Harjit Singh, i.e. the father of petitioner as well as deceased, has not supported the prosecution version.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered on the statement of Roopdeep Kaur, it is stated that her husband Gagandeep Singh @ Guddu was managing the family business of a bakery and she and her husband were residing in a house together along with her parents-in-law. Petitioner Palwinder @ Monu, who is the real brother of Gagandeep Singh @ Guddu, was residing separately for the last 10 years and had a dispute regarding partition of the property. Her father-in-law PW-Harjit Singh had registered the bakery in the name of Palwinder Singh @ Monu, however, he was not satisfied. On 10.12.2021 at about 08:00 PM, when she along with her husband, was present in house, the petitioner came along with his wife Megha Kaur and by picking up Gagandeep Singh's .32 bore licensed pistol, he fired shot on the head of her husband. Her father-in-law was standing on the door and he also got panicked as the petitioner pointed the pistol towards all the other persons, who were present there. Thereafter, the petitioner along with his

wife ran away with the licensed pistol and Gagandeep Singh @ Guddu was taken to hospital, where he died.

Learned counsel for the petitioner further submits that during investigation, the police recorded the statement of the parents of deceased as well as of wife and son of the petitioner under Section 161 Cr.P.C. It is stated that the mother of the deceased, namely Gurpreet Kaur, has stated that it was a case of accidental fire. It is submitted that statements of petitioner's wife Megha Kaur as well as his son Sehajveer Singh were also recorded under Section 161 Cr.P.C., in which, they have also stated that it was a case of accidental fire, however, complaint Roopdeep Kaur deposed on the line of the FIR.

Learned counsel for the petitioner further submits that the petitioner is a known case of Tuberculosis, Epilepsy seizure, bipolar disorder, insomnia and has relied upon his medical treatment prescriptions from Delta Heart Centre Pvt. Ltd. and Dayanand Medical College & Hospital, Ludhiana. It is submitted that the petitioner is not being provided proper medical treatment in jail, despite the fact that he is known case of seizure disorder, bipolar, insomnia for the last 10-12 years.

Learned State counsel, apart from making submission in the contempt proceedings, has also apprised the Court about the stage of trial in FIR case, on instructions from ASI Ravinder Kumar. It is submitted that out of total 19 prosecution witnesses, 03 witnesses have been examined so far. It is not disputed that the petitioner is in judicial custody for the last about 01 year and 10 months. The deteriorating medical condition of the petitioner is also not disputed.

In view of the above facts and circumstance, this Court is of the opinion that the primary grievance of the petitioner in the contempt petition is that he is not being provided proper medical attention, despite the fact that he is an old patient of mental diseases, as noticed above and requires urgent medical care and treatment.

In such circumstance, issuance of contempt notice to Jail Superintendent will not serve the purpose of providing medical aid to the petitioner.

Therefore, it will be in the interest of justice if instead of initiating contempt proceedings against the respondent, considering the medical condition of the petitioner, who is in judicial custody for the last about 01 year and 10 months, the petitioner is granted the concession of interim bail on medical grounds till 31.01.2024.

Accordingly, the present contempt petition is disposed of.

Rule stands discharged.

However, considering the aforesaid medical condition of the petitioner and without expressing any opinion on the merits of the FIR case, it is directed that the petitioner be released on interim bail, subject to his furnishing bail/surety bonds, subject to the satisfaction of the trial Court till 31.01.2024, when he will surrender before the trial Court.

It will be open for the petitioner to apply for extension of interim bail by producing the medical treatment record of the intervening period.

It will also be open for the prosecution/complainant to apply for cancellation of bail in case the petitioner is found misusing the concession

of interim bail in any manner.

This order is passed keeping in view the peculiar facts and circumstance of the case in hand and it will not be treated as a case precedent any further.

07.08.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>No</i>
<i>Whether reportable</i>	<i>No</i>