

UPINDER KUMAR

....PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Parampreet Singh Paul, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. In the instant petition, the petitioner claims relief that on medical grounds, he may be ordered to be released from detention. It is prayed that the said release be ordered to be made for six months. The reason as set forth in the instant petition for claiming the above relief is comprised in the factum, that the petitioner is suffering from HIV infection.

2. The asked for reply on affidavit to the petition, has been instituted by the learned State counsel. A perusal of Annexure R-1, as appended with the reply, on affidavit, and whose contents are reproduced hereinafter, discloses, that though the petitioner is infected with a chronic HIV and HCV infections, but it is also unfolded therein, that he is undergoing treatment as an outdoor patient, at the medical centre concerned, in respect of the above ailments, and, that too for a period more than one year.

3. Moreover, it is also unfolded in the said Annexure that in respect of his ear ailment, besides in respect of his psychiatric disorder, he is also undertaking treatment, as an outdoor patient in the medical centre concerned.

“.....It is hereby submitted that the prisoner Upendra Kumar s/o Lal Babu, presently confined in District Jail Rupnagar is a known case of

1. Chronic HIV and HCV infections; both diagnosed during his present incarceration; and for both of which he is presently undergoing treatment (HIV treatment vide ART number FCHR 1338 ART Centre Ropar for more than a year ; HCV treatment since 15/9/22)

2. Right sided ear discharge ; confirmed to be Choronic Suppurative Otitis Media (CSOM) by the ENT Specialist during his guards for the same on 1/4/22 vide CR Number 2700112100327071; and on 7/12/22 vide CR Number 2700112200804840 of Civil Hospital Ropar. For this ear complaint, he prisoner is currently being managed conservatively with oral antibiotics and analgesics to treat the underlying infection.

3. Chornic Insomnia and pain abdomen, for which an escort was requested multiple times for his referral to Pshchiatry Department, CH Ropar but the referral couldn't be conducted.....”

4. Since the petitioner is spelt in the said Annexure, to be undertaking treatment as an outdoor patient, in respect of the above ailments, at the medical centres concerned. Therefore, especially when no speakings occur therein, that as of now, there is any escalation in the medical ailments besetting the petitioner, despite therapeutic care being meted, and or, qua the alleviating therapeutic treatment qua the said ailments being unavailable, nor when it has been spelt therein, that unless he is required to be shifted to his abode for his being attended there on a day-to-day basis by his family members, thereupon alone his condition would improve. Resultantly this Court is constrained to conclude, that the ailments besetting the petitioner are not so grave, so as to require his being relased to his home, for his being attended upon by his closest relatives. Contrarily when he being purveyed apt medical therapeutic care, thus, this Court is constrained to decline the asked for relief in the petition.

5. Consequently, there being no merit in the petition, and, the same is dismissed.

(SURESHWAR THAKUR)
JUDGE

03.02.2023
kavneet singh

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