

2024:PHHC:031140

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

110 (I) CRM-M-9199-2024
Date of Decision : March 05, 2024

MONEY KALRA **-PETITIONER**

V/S

U.T. CHANDIGARH -RESPONDENT

(II) CRM-M-9080-2024

MONEY KALRA **-PETITIONER**

V/S

UNION OF INDIA AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ravish Kaushik, Advocate with
Mr. Akshay Kumar Dahiya, Advocate
for the petitioner (in both petitions).

Mr. Manish Bansal, P.P. for U.T., Chandigarh.

Mr. Sourabh Goel, Sr. Panel Counsel, with
Ms. Shivani Sahni, Advocate
for the respondent- NCB (in CRM-M-9080-2024).

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petitions, the petitioner has sought the concession of interim regular bail, thereby enabling him to get medical treatment, i.e. Laparoscopic Surgery or Cholecystectomy Surgery.

2. On the last date of hearing, i.e. 01.03.2024, this Court had passed the hereinafter extracted order:-

“Status report by way of affidavit of Mrs. Palika Arora, PCS, Jail Superintendent-cum-AIG-Prisons, Model Jail, UT, Chandigarh has been filed. The same is taken on record.

A perusal of medical records reveals that it is a case elective surgery and the surgery upon the present petitioner can be performed in the second week of April, 2024.

Learned counsel for the petitioner submits that the petitioner is in severe pain and is having a large stone in his gall bladder, therefore, he cannot be made to wait for atleast one and a half month more, whereas and he himself is ready to get his surgery done from a private hospital.

The submissions made by the learned counsel for the petitioner have been opposed by the learned PP for the UT, Chandigarh, who submits that he will have further instructions to have an early suitable date for the surgical intervention, which the petitioner requires.

On request made by the learned counsel for the petitioner, adjourned to 5.3.2024.

To be shown in the urgent list.

A photocopy of this order be placed on the file of connected case.”

3. Today, the learned counsel representing U.T. Chandigarh has, on instructions imparted to him by D.S.P. Udaypal Singh, informed this Court that no immediate time slot is available in P.G.I.M.E.R., Chandigarh for conducting surgery upon the petitioner.

4. Since there is no likelihood of the petitioner's surgery becoming arranged at P.G.I.M.E.R., Chandigarh in the near future, the learned counsel for the petitioner has made a proposal that, he will arrange appointment for surgery of the petitioner in a private hospital in Chandigarh itself, and thereupon, will move an appropriate application before the Jail Authority(ies) concerned, thereby making intimation *qua* surgery arrangements of the petitioner.

5. Upon this, learned counsels representing U.T. Chandigarh,

and, N.C.B., have submitted that, in case the learned counsel for the petitioner makes any such application, they will ensure that the petitioner is taken to the hospital concerned in Chandigarh, however, in police custody. They have further assured this Court that, adequate security arrangements would be made, and, the petitioner would remain in policy custody/supervision, during the period of his stay in the hospital concerned.

6. Since the above made proposal of the learned counsels for the respondents is not opposed by the learned counsel for the petitioner, therefore, he is permitted to arrange appointment for petitioner’s surgery in a private hospital at Chandigarh, and, to intimate the authority(ies) concerned in that regard. Upon receipt of such intimation, if any made, the authority(ies) concerned shall ensure to take the petitioner, in police custody, for surgery. It is clarified that no family member/relative shall be permitted to meet the petitioner during his stay in the hospital concerned and he shall be, at all times, kept under strict police custody/supervision, and, immediately upon his discharge, after taking doctor’s opinion, he shall be shifted to the prison concerned.

7. Both these petitions stand disposed of accordingly.

March 05, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No