



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

302

CRM-M-30638-2024

Date of decision: 24.07.2024

NARESH KUMAR

....Petitioner

V/s

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Chahal, Advocate,
for the petitioner.Mr. Rahul Deswal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of 08 weeks interim bail pending trial under Section 439 of Cr.P.C. in case FIR No.592 dated 23.11.2021 under Sections 307, 302, 120-B and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (Sections 201 and 212 of IPC and Section 27 of the Arms Act were added later on), registered at Police Station Jind City, District Jind for enabling him to get his wife operated.

2. On the last date of hearing the following order was passed:

“Learned state counsel has placed on record a report received from the Department of Otorhinolaryngology, B.P.S. Medical College for Women Khanpur Kalan, Sonapat, wherein it has been categorically stated that the wife of the petitioner can be managed on OPD basis with medical treatment and, furthermore, it is also been categorically stated that petitioner’s wife is not to be operated upon. Copy of the said report is taken on record.

However, a request for an adjournment has been made on behalf of learned counsel appearing for the petitioner.

On her request, adjourned to 24.07.2024.”



2. A request for adjournment had been made on behalf of learned counsel appearing for the petitioner after the State had filed the following Medical Report dated 19.07.2024 of the Senior Resident of B.P.S. Govt. Medical College for Women, Khanpur Kalan, Sonapat, Department of Otorhinolaryngology:

“1. Patient is not to be operated currently. Patient has not been given any date for surgery.

2. Patient was advised ultrasound of neck on 14.05.2024, however records of which are not attached. Patient is suspected to have salivary gland infection.

3. Patient can be managed on OPD basis with medical treatment.”

3. Learned counsel for the petitioner has submitted that the said report i.e. 19.07.2024 is contrary to the report which was given earlier on 05.07.2024 which reads as under:-

“Patient Seema W/o Naresh Kumar was treated on outpatient basis as per record attached.

Hence, No medical record is available in department as these patients are handed over OPD/treatment card as per protocol.

1. As per true typed copy attached in Annexure P-6, Ultrasonography of neck was done. Report of which is not attached.

2. As per indoor patient records, patient was not admitted in ENT ward.

3. As per Annexure P-3 dated 17.12.2022, ultrasound neck done at private hospital had impression of sialolithiasis left submandibular gland (stone). Surgery is usually done under general anesthesia.

4. Discharge to the patient depends on the post operative condition of the patient.

5. Patient is usually not given any rest after discharge.

6. It is a non life threatening condition.”



Learned counsel for the petitioner has submitted that the following report which was filed on 19.07.2024 is a false report which has been given by the Doctor under the influence of the police and the complainant party.

4. Be that as it may, this Court cannot go beyond the latest medical report which has been filed by the learned State counsel because concededly the wife of the petitioner is being treated at B.P.S. Govt. Medical College for Women, Khanpur Kalan, Sonapat. It also needs to be pointed out that the earlier medical report was dated 05.07.2024 whereas the latest medical report is dated 19.07.2024 wherein it has been categorically opined by the doctor that the patient is not to be operated currently and as such no date for surgery has been given rather it has also been categorically mentioned in the report that the patient can be managed on OPD basis with medical treatment. It also needs to be pointed out that even in the medical report dated 05.07.2024, it was pointed out by the doctor in its report that the patient was not suffering from any life threatening condition.

5. Petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

July 24, 2024
poonam

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