

2025:PHHC:111228



116

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

**CRM-M-45717-2025
DECIDED ON: 22.08.2025**

RAMAN KUMAR @ RINKU**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner

Mr. Jasjit Singh Rattu, DAG Punjab

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this court has been invoked under Section 528, BNSS read with Section 483, BNSS whereby the petitioner has sought interim bail for a period of One Month in order to get better treatment from some private hospital as petitioner is suffering from heart disease, medical pertaining to the same has been annexed as Annexure P-2 in relation to FIR no. 96 dated 24.10.2024 under Section 21 of NDPS Act, 1985 and Section 29 of NDPS Act added later on, registered at P.S. PAU, Ludhiana, Punjab. (Annexure P-1)

2. Contentions**On Behalf of the Petitioner:**

Learned counsel for the petitioner submits that the petitioner was taken into custody on 28.01.2025 and has remained incarcerated for a period of 6

months and 24 days. It is further submitted that the petitioner is suffering from heart disease and addition to it other health conditions, including Diabetes Mellitus-II and, Hypertension. Also, even during his confinement, the petitioner has reportedly experienced episodes of breathlessness and dyspnea on several occasions. In light of the petitioner's deteriorating medical condition, it is contended that the treatment available at the Jail Hospital, Ludhiana, is inadequate for his proper care and recovery. Accordingly, the counsel prays for the grant of interim bail to enable the petitioner to seek necessary medical treatment at a private hospital.

On Behalf of the State:

In compliance with the direction of this Court vide order dated 21.08.2025, the Medical status Report by way of affidavit of Officiating Superintendent, Central Jail, Ludhiana was submitted by the Counsel for the State and was placed on record. The report acknowledges the petitioner's medical condition and the multiple health-related complaints raised by him during his custody. It further states that the petitioner has been provided treatment at the Jail Hospital, Ludhiana, and was also referred to the Civil Hospital, Ludhiana, on 14.08.2025 whereby after examination he was referred to Higher Center for Cardiology Consultation.

4. Analysis

Heard both counsels.

This Court is of the considered opinion that the petitioner has been in custody since 28.01.2025 and has already undergone an incarceration period of 6 months and 2 days in Central Jail, Ludhiana. In view of the petitioner's medical history, as well as the Medical Status Report submitted by the State in compliance with this Court's directions, wherein the petitioner was examined by the Senior

Medical Officer, Central Jail, Ludhiana, it has been clearly indicated that the petitioner's condition necessitates medical attention. The relevant portion of the report is reproduced below:

“It is stated that UT Raman Kumar S/o Rajinder Kumar is a known case of Diabetes Mellitis-II and Hypertension and coronary artery disease. He presented to Jail Hospital multiple times with complaint of dyspnea and breathlessness for which conservative treatment given at Jail Hospital and was referred to Civil Hospital Ludhiana on 14.08.2025 and he was examined by medicine consultant on that day and advised for CT and angiography. Further, on he was referred to Higher Centre for cardiology consultation.”

After considering the material on record and the above-mentioned statement, this Court is of the view that, although the petitioner has received medical care from the jail authorities on several occasions including being referred to the Civil Hospital, Ludhiana, the petitioner's medical condition remains a matter of concern. The Court takes cognizance of the ailments as outlined by the State, the seriousness of those health issues, and the fact that the conditions within the prison are insufficient to adequately address the petitioner's medical needs. Additionally, the petitioner's diagnosis of Diabetes Mellitus-II further heightens the risk of potential infections within the jail environment, thereby posing a serious threat to his life.

This Court cannot overlook the fundamental principle that every prison inmate, whether an undertrial or a convict retains the inherent right to life and humane treatment, which necessarily includes access to medical care that adequately addresses their health needs and prevents unnecessary suffering. Incarceration does not strip an individual of their fundamental right to life, which

encompasses the right to receive appropriate healthcare. Like any other member of society, prisoners may suffer from various health conditions, whether pre-existing or arising during their imprisonment. The denial of essential medical treatment not only worsens their condition but may also lead to avoidable suffering and, in severe cases, even result in loss of life.

The Court observes that the petitioner's medical condition is of such a nature that failure to provide appropriate and quality medical treatment would pose a serious risk to his life, thereby infringing upon his fundamental rights under Article 21 of the Constitution of India which encompasses within its ambit the "Right to Health and Medical Care", a right that is inalienable, non-negotiable, and cannot be denied. In light of these considerations, the Court deems it appropriate to adopt a humanitarian approach in the present case. Bail, after all, is a solemn affirmation of the humane foundations of the justice system and must extend even to under trial prisoners who have been awaiting trial for an extended period.

5. Relief

With all humility at our command, keeping in view human consideration, the well-recognized fundamental rights of the under trial to have quality medical aid for serious ailments suffered by him and inadequate facilities in the Jail Hospital, Ludhiana with respect to the seriousness of the medical treatment required by the petitioner, I am of the opinion that this is a genuine and fit case to grant relief of interim bail to the petitioner.

Therefore, in view of the observations made hereinabove, the present petition is allowed and the petitioner is directed to be enlarged on interim bail for a period of 4 weeks commencing from tomorrow i.e 23.08.2025 subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty

Magistrate concerned. He shall surrender back to the Jail authorities on 20.09.2025 by 5 PM.

It is however made clear that at the time of petitioner surrendering before the Jail Authorities, he shall put on record the medical record and all the history of his checks up for the sole purpose for which he is being admitted to interim bail. In case of failure, an inference would be drawn against the petitioner and during the interregnum period, respondents-State would be at liberty to move appropriate application seeking cancellation of this relief.

Accordingly, the petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

22.08.2025

Meenu

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No