



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

CRM-M No.58799 of 2024
Date of decision: 9th January, 2025

Shamsher @ Monu Rana

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharth, Advocate for the petitioner.

Mr. Yuvraj Shandilya, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court seeking interim bail for medical treatment, in case bearing FIR No.82 dated 26.04.2024 under Section 120-B IPC, Sections 7 and 8 of the Prevention of Corruption Act, 1988 and Section 42 of the Prisons Act registered at Police Station City Thanesar, District Kurukshetra, citing several spinal issues and other medical related ailments, which have reportedly resulted in paralysis of his lower body.

2. Learned counsel for the petitioner contends that the petitioner's current medical condition necessitates specialized treatment that is not adequately available within the jail where he is presently lodged.

3. Pursuant to the directions of this Court given on the previous date of hearing, the State was directed to verify the submissions made by the learned counsel for the petitioner with respect to his medical condition. In compliance, the State has filed affidavit of Surender Pal, HPS, DSP, State Crime Branch, Madhuban, Karnal, accompanied by the latest medical status report of the petitioner, which has been taken on record, subject to all just exceptions. A copy thereof has also been supplied to the counsel opposite. The affidavit filed in the Court today has been perused.

4. The medical status report annexed with the affidavit indicates that the petitioner suffers from bilateral lower limb paralysis and a bedsore. When a specific query was put to the learned State counsel, he did not dispute the medical condition of the petitioner as detailed in the report. However, the learned State counsel vehemently opposed the grant of interim bail to the petitioner, by emphasizing upon his criminal antecedents. Learned State counsel has submitted that the petitioner is a notorious and dreaded gangster involved in several heinous crimes, and there is a significant risk of him absconding if released on bail. Learned State counsel has also asserted that the petitioner is already receiving requisite medical treatment within the jail premises and that his condition can be managed within the jail without the need for his release.

5. In response, learned counsel for the petitioner has contended that the medical facilities available in jail are inadequate for his specialized treatment and that his health is deteriorating; the petitioner is

suffering from a bedsore and in the absence of any family member besides him, it may not be possible for the jail authorities to monitor his medical condition continuously. However, to address the apprehensions of the State, of the petitioner absconding, the learned counsel for the petitioner has proposed that he be treated in a hospital under strict police custody instead of being released on interim bail.

6. Upon hearing the arguments and considering the submissions made, the learned State counsel on instructions, has expressed no objection to the petitioner receiving treatment in a hospital under police custody, as suggested by the learned counsel for the petitioner himself.

7. Having considered the rival submissions, the serious medical condition of the petitioner as reflected in the Medical Officer's report annexed as Annexure R-1, which stands reproduced hereunder, and the consent by the State to the prayer of the petitioner, this Court is of the view that the medical treatment of the petitioner should not be compromised.

“Shamsher s/o Jai Singh is an under-trial prisoner at District Jail Hospital Kurukshetra. The said undertrial prisoner is examined today and on examination the patient is conscious, co-operative and well oriented with stable vitals. Clinically the patient is suffering from paralysis bilateral lower limb with bowel and bladder involvement with chronic bed sore. His sensory reflexes are absent below the level of nipple. Foleys catheter present insitu.

*The above is submitted for kind information
please.”*

8. In the light of the circumstances, this petition is disposed of
with the following directions:

- (i) The petitioner shall be admitted to LNJP Hospital,
Kurukshetra, if deemed necessary, as an indoor patient
for his medical treatment.
- (ii) The petitioner shall remain in police custody during
his hospital stay, with adequate security arrangements
to prevent any possibility of absconding.
- (iii) The jail authorities and the police are directed to
ensure that the petitioner receives all requisite medical
care and treatment as per the recommendations of the
doctors at the hospital.

9. It is clarified that these arrangements are being made solely
to address the medical needs of the petitioner and shall not in any way
prejudice the merits of the criminal proceedings, which are pending
against him.

(MANJARI NEHRU KAUL)
JUDGE

January 9, 2025
rps

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