



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

263

CRM-M-23333-2026 (O&M)

Date of Decision: 27.04.2026

Hari Parsad @ Hari Prashad

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Ms. Gagandeep Kaur Choudhary, Advocate
for the petitioner.
Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023, (Section 439 of Cr.P.C) seeking grant of interim regular bail to the petitioner for a period of 08 weeks on medical grounds.

2. The petitioner is in custody in a case arising out of FIR No.0131 dated 04.05.2023, under Sections 304-B, 34, 302, 376, 377, 328, 498-A, 511 IPC (Sections 376, 511 of IPC deleted later on), registered at Police Station Beri, District Jhajjar. Learned counsel for the petitioner submits that the petitioner is suffering from serious medical ailments, particularly chronic anal fissure, for which surgical intervention has been advised. It is contended that despite repeated referrals to Civil Hospital, Jhajjar, the petitioner has not been provided adequate and timely treatment, and even where surgery was planned, the same has not materialized. It is



further argued that the petitioner would require post-operative care, strict hygiene, separate toilet facility, and proper dressing, which cannot be adequately ensured in jail conditions, thereby justifying interim bail.

3. On the other hand, learned State counsel, on instructions from the concerned officer, has placed on record the medical status report of the petitioner. A perusal of the same reflects that the petitioner has been under continuous medical supervision. The report indicates that:

- * The petitioner has been examined at Jail Hospital and referred to Civil Hospital, Jhajjar on multiple occasions.
- * Investigations including USG, blood tests, and pre-anaesthetic check-ups have been advised and conducted.
- * The petitioner has been diagnosed with anal fissure, and surgery in the nature of fissurectomy with sphincterotomy has been planned.
- * Dates for admission were fixed on more than one occasion; however, the petitioner did not get admitted on the scheduled dates.
- * The petitioner is presently under conservative treatment at the Jail Hospital, and further admission has been scheduled.

4. The medical record thus reflects that the petitioner is receiving medical attention and is being periodically referred to a higher medical facility whenever required.

5. The contention raised on behalf of the petitioner that adequate treatment is not being provided in jail custody, does not find substantiation from the record. Rather, the record demonstrates that the petitioner has been extended due medical care, and necessary referrals have been made. It is also evident that the petitioner himself did not avail admission for surgery

on the dates fixed earlier.

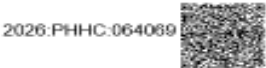


6. At this stage, it is apposite to observe that grant of interim bail on medical grounds is an exception and not the rule, particularly in cases involving serious offences. The Court is required to balance the right of the accused to proper medical treatment with the nature and gravity of the allegations and the possibility of misuse of liberty.

7. In the present case, the allegations against the petitioner are of a grave and serious nature, involving offences punishable under Sections 302, 304-B, 377 IPC, amongst others. The seriousness of the accusations cannot be lost sight of while considering the prayer for interim bail. At the same time, the right of the petitioner to receive proper medical treatment is undeniable and must be safeguarded.

8. In view of the above discussion, this Court is of the considered opinion that no ground is made out for grant of interim bail at this stage. However, to ensure that the petitioner receives proper and timely treatment, the following directions are issued:

1. The Superintendent, District Jail, Jhajjar shall ensure that the petitioner is immediately taken to Civil Hospital, Jhajjar on the next date already fixed for admission, or earlier if medically advised.
2. The concerned Medical Officer shall ensure that the surgery, if required, is conducted expeditiously, in accordance with medical advice.
3. In case the Civil Hospital lacks requisite facilities, the petitioner shall be referred to a higher medical center without delay.
4. The petitioner shall be provided adequate post-operative care, including hygiene, dressing, and dietary requirements, as per medical protocol.
5. The Jail authorities shall ensure that the petitioner is extended



all necessary medical assistance without any lapse, and a compliance report be maintained on record.

9. The present petition is, accordingly dismissed with the aforesaid directions.

27.04.2026
Satyawar

(NEERJA K. KALSON)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>