

Hari Kishan vs State, Nct Of Delhi on 3 March, 2022

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 544/2022
HARI KISHAN

Through: Mr. Hemant Gulati and
Sethi, Advocates

versus

STATE, NCT OF DELHI

Through: Mr. Raghuvinder Varma,
State along with Insp.
and W/SI Anjani Kumar

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER

% 03.03.2022

1. The instant application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter "CR.P.C") seeking interim bail in FIR bearing No. 227/2020 registered at Police Station Wazirabad for offences punishable under Sections 302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

2. The brief facts of the case are that on 1st June 2020, one Vishal Chauhan had informed that while he was standing in the balcony of first floor of his house at about 5.00 PM, 4-5 boys came on motorcycles, whose faces were covered with handkerchiefs, and they went to the house of Rambir Chauhan and had fired upon the person who was sitting inside the grocery shop namely Rakesh Chauhan and thereafter had run away.

3. Learned counsel appearing on behalf of the applicant/petitioner submitted that there is no evidence against the present petitioner that he had been in consultation with the Ajeet of Jagatpur or with co-accused Prince Tewatia, Akhtar, Rahul, etc. It is submitted that there are also no CDRs of the petitioner with Sonu Pahalwan or Prince Tewatia, who as per the prosecution case had sought the services of Hari Kishan and others for threatening Rambir Chauhan.

4. It is submitted that the petitioner at present is very serious as he is diagnosed to be suffering from Pulmonary Tuberculosis with congestion in both the lungs and the same is causing acute breathlessness with loss of appetite and his weight has been reduced about 20-25 kgs which is very

deleterious to his health at present.

5. It is further submitted that no proper treatment has been provided to the present petitioner in jail, therefore the petitioner should be released from the jail for the proper treatment.

6. Per contra, Raghuvinder Varma, learned APP for State vehemently opposed the instant application and submitted that the medical report has been received from the Jail Superintendent, Central Jail 10, Rohini, Delhi- 110089, wherein the Medical Officer-in-Charge, Central Jail No.10 has mentioned as under :

"The inmate patient was diagnosed as a case of pulmonary koch's (Tuberculosis) and he is on Anti Tubercular Treatment (ATT) since 19.11.2021. The inmate patient was admitted in Central jail hospital in TB ward from 13.11.2021 to 21.01.2022 and he was CBNAAT positive and discharged on 21.01.2022 with the advised to continue ATT/ the inmate patient was also found to have increased bilirubin level due to Jaundice and he was advised medications accordingly.

On 23.01.2022, inmate patient was presented in the jail dispensary for the complaint of jaundice and he -was advised medications accordingly.

On 29.-01.2022, the inmate patient was referred to DR. B S Hospital in Chest clinic, he was reviewed and symptomatically better and advised to continue ATT.

At present, inmate patient is on ATT from jail dispensary and general condition of the inmate is stable and all the prescribed medications are being provided to him from the Jail Dispensary."

7. It is submitted by the learned APP, that since the petitioner is being given proper treatment in the Jail, there is no ground for releasing the petitioner on interim bail and therefore, the instant application is devoid of merit and should be dismissed.

8. Heard learned counsel for the parties and perused the record including status report filed by the state and medical report received from the Jail superintendent.

9. It is evident from the record that the petitioner is receiving sufficient and proper medical attention and treatment in the jail, hence there is no cogent reason to release him on interim bail as prayed.

10. Accordingly, the instant petition is dismissed.

CHANDRA DHARI SINGH, J MARCH 3, 2022 dy