
Dinesh Kumar @ Gona Vs State Of Punjab

Criminal Miscellaneous Petition (M) No. 2196 Of 2021 (O & M)

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Feb. 15, 2021

Acts Referred:

Indian Penal Code, 1860 " Section 149, 120B, 148, 302, 307, 324#Arms Act, 1959 " Section 25, 54, 59

Hon'ble Judges: Anupinder Singh Grewal, J

Bench: Single Bench

Advocate: Manjinder Singh Saini, Dhruv Dayal

Final Decision: Allowed

Judgement

Anupinder Singh Grewal, J

The petitioner is seeking regular bail in FIR No.40 dated 26.02.2014, under Sections 302, 307, 324, 148, 149, 120-B IPC and Sections 25/54/59 of the

Arms Act, registered at Police Station Basti Bawa Khel, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been unwell since December, 2014 as he had suffered

a gun shot injury on his neck which led to him being bed-ridden and his body has been paralysed from below the abdomen. The petitioner had been

declared as a proclaimed offender as he was not served at the address where he was residing. The petitioner has been immobile since December,

2014. He has referred to the report of the Medical Board at Annexure P-2. He is in custody for over 10 months.

Learned State counsel has filed affidavit of Superintendent Central Jail, Kapurthala wherein reference has been made to the medical condition of the

petitioner. The medical report is also annexed as Annexure R-1. Paragraph 03 of the affidavit with regard to the medical condition of the petitioner is

reproduced hereunder:-

“That in compliance with order dated 09.02.2021 passed by this Hon'ble Court to submit a report with regard to health condition of the petitioner,

in this regard present Medical status report of the petitioner is being submitted this Hon'ble Court as under:-

“As per record, the above said patient has history of gunshot injury on neck. As per record he was referred to PGI Chandigarh multiple times for

Quadriplegia and Bed sore and generalized weakness. He was investigated at PGI Chandigarh for same. Also as per board of Medical Officers at

Civil Hospital Kapurthala.

1. Prisoner Dinesh Kumar S/o Jatinder Kumar is an old case of quadric paresis with disturbed urinary and bowel control and is bed ridden.
2. The muscle power is proximal, muscle of right upper limb is five out of five and muscle power in distal muscle of right upper limbs two out of five.
3. The muscle power in proximal muscle of left upper limb is three out of five and the muscle power in distal muscle of one out of five with wrist drop.
4. The muscle power in both lower limbs is Zero.
5. There is complete loss of sensations up to the level of D10 vertebra.
6. The sensory loss in both upper limbs is partial and more so in left upper limb.
7. There are flexion contractures of smaller of both hands and feet.
8. As per PGI Chandigarh Department of Otolaryngology patient has high Frequency Sensory neural hearing loss left ear.

Currently he is in same condition as described by Board of Medical Officers on 02.03.2020. The Medical report of the petitioner, bearing No.1985

dated 09.02.2021 is annexured as Annexure R-1.

In view of the afore-noted medical condition of the petitioner, it would be in the interest of justice to release the petitioner on regular bail.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on

his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.