

(2023) 11 SHI CK 0032

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 2741 Of 2023

Ramesh Kumar @ Rinku

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 04-11-2023

Acts Referred:

Indian Penal Code, 1860 — Section 302

Citation : (2023) 11 SHI CK 0032

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Heena Chauhan, Ranjana Chauhan, Pranay Pratap Singh, Sidharth Jalta, Amit Kumar, Warder

Final Decision : Dismissed

Judgement

Jyotsna Rewal Dua, J

1. This petition has been filed for grant of interim bail in FIR No.87/2021, dated 10.08.2021, registered under Section 302 of the Indian Penal Code at Police Station Rohru, District Shimla, H.P. The interim bail has been sought on the medical ground that the petitioner is not being treated properly by the medical authority.

2. The petition is with the averments that the Doctors concerned had fixed the surgery of the petitioner for 04.09.2023, but the surgery could not be conducted for the reason unknown to the petitioner. That the next date given for surgery of the petitioner was 30.10.2023. Petitioner apprehended that in case surgery was not performed on the given date, in that eventuality, his life would be in danger.

3. On being put to notice, the respondents including the Medical Superintendent, Indira Gandhi Government Medical College and Hospital (IGMC), Shimla as well as the Superintendent, Central District Jail, Kaithu, District Shimla furnished their responses to the bail petition. The respondents pointed out that:-

(i). Petitioner was kept in Kaithu Jail w.e.f. 13.08.2021. (ii). On 17.02.2023, he was admitted in IGMCM, Shimla and stent was implanted.

(iii). On 15.08.2023, the petitioner complained of stomach ache. Surgical endoscopy was accordingly performed upon him on 18.08.2023.

(iv). Petitioner was given all required and possible treatments in IGMCM, Shimla.

(v). On 04.09.2023, surgery, i.e. left side URSL (Ureteroscopic Lithotripsy), was planned on him, but the petitioner refused to undertake the surgery.

(vi). The petitioner was again given a tentative date for his surgery for 30.10.2023. He was taken to IGMCM, Shimla for the said purpose, but he refused to undergo surgery.

At this stage, in light of the responses filed by the respondents to the bail petition, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file afresh at an appropriate stage in accordance with law, if need so arises. Prayer is not opposed. Accordingly, the present petition is dismissed as withdrawn with leave and liberty as aforesaid. Pending miscellaneous application(s), if any, also stand disposed of.