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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CrI.A. No. 451/2020**

JAIDEEP SINGH SENDER @ ATUL SINGH Appellant
Through: Mr. Ajay Burman, Sr. Advocate with
Mr.SPM Tripathi, Advocate

versus

CENTRAL BUREAU OF INVESTIGATION Respondent
Through: Mr.Nikhil Goel, SPP with Mr.
Dushyant Sarna, Advocate

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **10.11.2020**

(Through Video Conferencing)

CrI.M.(Bail) No. 8043/2020

Pursuant to the proceedings dated 15.10.2020, the medical report dated 7.11.2020 has been received from the Superintendent of Prisons, Central Jail No.3, Tihar, New Delhi which indicates that the applicant was operated on 23.10.2020 and wide local excision with central marginal mandibulectomy with mucosal advancement flap with bilateral supra omohyoid neck dissection was performed and that the applicant is in stable condition and is recovering and a discharge was planned in one or two days.

Whereafter it is also reported that on 7.11.2020 an e-mail was received from Dr. Sandeep Bhoariwal, Assistant Professor, Dept. of Surgical Oncology, AIIMS by the jail authorities replying to the effect that, “ Mr.Atul Singh is currently admitted to the department of



surgical oncology and is recovering from surgery and had started complaint of earache for which ENT reference was obtained and now he is complaining of throat pain with cough for which COVID -19 testing has been performed and that the patient is in stable condition and may be discharged by Monday.”

As per the report of Dr.Akash Narade, Medical Officer In charge, Central Jail Hospital, Tihar the applicant was admitted in the surgical oncology ward, AIIMS New Delhi but in reply to a specific Court query it has been informed on behalf of the applicant that he has since been discharged yesterday, i.e., on 9.11.2020. It has however been submitted on behalf of the applicant that the applicant is to be administered food through a pipe for six months and that he was not provided any kind of diet yesterday. It is submitted on behalf of the applicant that the condition of the applicant continued thus to remain precarious with scope of his being infected in view of the surgery that has been performed.

It is considered essential that the present medical status of the applicant/appellant as also in relation to the aspect as to in what mode and manner the food or liquid is being provided to the applicant by the Jail Authorities specifically, is informed to the Court. The said report is called for for the date 12.11.2020 for which date the matter be renotified at 3 p.m. to be taken up for a physical hearing to which counsel for the applicant has no objection, however, counsel for the respondent submits that he seeks to join the proceedings through a virtual hearing and is permitted to do so. The Registry is directed to send the link to the counsel for the respondent.



The copy of the discharge summary from the AIIMS be also called for for the said date of hearing.

Renotify on 12.11.2020.

NOVEMBER 10, 2020/SV **ANU MALHOTRA, J**