



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 451/2020 & CRL.M.(BAIL)8043/2020**

JAIDEEP SINGH SENGHER@ATUL SINGH Appellant

Through: Mr.Ajay Burman, Sr. Advocate with
Mr.SPM Tripathi, Advocate.

versus

CBI Respondent

Through: Mr.Dushyant Sarna, Advocate for
Mr.Nikhil Goel, SPP for CBI.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **12.11.2020**

CRL.M.(BAIL)8043/2020

The medical report dated 11.11.2020 has been received from the Superintendent of Prison, Central Jail No.03, Tihar, New Delhi along with the report dated 11.11.2020 from Dr.Akash Narade, Medical Officer In-charge, Central Jail Hospital and Dispensary, Central Jail No.-03, Tihar, New Delhi with the discharge summary from the AIIMS dated 09.09.2020 has been received indicating that the applicant who had been admitted to AIIMS, New Delhi under Surgical Oncology Department on 19.10.2020 as a case of Carcinoma Lower Lip (Mid one-third, locally advanced). According to the discharge slip of AIIMS, his surgery (Wide Local Excision of lower lip lesion with central arch marginal Mandibulectomy with mucosal flap



advancement flap with bilateral Supraomohyoid Neck Dissertion) was carried out on 23.10.2020 and he was kept in ICU from 23.10.2020 to 26.10.2020 postoperatively; that his ENT Consultation was carried out on 31.10.2020 for bilateral ear pain and he was diagnosed as a case of Left Mild Conductive Deafness and Righ Profound Sensoneural hearing loss with an ENT Consultation was carried out on 05.11.2020 and was advised a hearing aid.

Inter alia the applicant is reported to have complained of throat pain for which Oncoanesthesia consultation was carried out on 05.11.2020 and he was provided treatment in the form of oral medicines, in as much as, he complained of sore throat and nasal congestion on 05.11.2020 and his RT-PC R Test was carried out which was found to be negative for COVID-19 and he was thus advised treatment in the form of oral medicines, steam inhalation and chest physiotherapy and thus discharged from AIIMS on 09.11.2020 with advice to take wound care, to review at ENT OPD for application of hearing aid, to continue Ryles Tube Feeding and to review on 16.11.2020 at minor OT 9B for evaluation of surgical wound.

It is submitted through the status report received from the Tihar Jail, New Delhi that after getting discharged from AIIMS, the inmate was sent back to Central Jail No.3, Tihar wherein he was admitted in the Central Jail Hospital the same day i.e. 09.11.2020 and till the date of sending a report i.e. 11.11.2020, the inmate/applicant is directed to be admitted in the Central Jail Hospital, Tihar as a postoperative case of carcinoma lower lip and has Ryles Tube in-situ inserted into the gut through nose through which he needs to be given liquid feeds and after admission in the jail hospital, he was given milk and crushed oral medicines through the Ryles tube and that he



still has complaints of throat pain, pain at surgical site, burning sensation and abdomen and bleeding per rectum and is being provided medicines prescribed by AIIMS from jail hospital itself.

It is further informed through the medical report that according to the letter dated 07.10.2020 from the Assistant Professor, Surgical Oncology, AIIMS, the inmate/applicant would require radiotherapy after surgery and the duration of the same could extend to six weeks and he would be sent to the Surgical Oncology OPD, ENT OPD and minor OT of AIIMS for further management.

It has thus been submitted on behalf of the applicant that the jail authorities can provide the applicant only as per their profile and domain and all adequate nourishment cannot be provided to the inmate/applicant despite the requirement for the same.

On behalf of the CBI, learned counsel for the CBI submits that though he does not seek to belittle the condition of the applicant, he submits that the insertion of the Ryles tubes is a normal procedure and that the adequate care is being provide to the applicant at the jail.

On behalf of the applicant, the photographs have been submitted which indicate the condition of the applicant in relation to the excision conducted for the Carcinoma Lower Lip and the consequential surgery performed and the insertion of the Ryles Tubes.

Taking the medical report into consideration which has last been received dated 11.11.2020 which indicates that the applicant had apparently required radiotherapy also and is further treated at Oncology OPD, ENT OPD and minor OT of AIIMS, it is considered appropriate to allow the prayer made by the applicant vide CRL.M.(BAIL)8043/2020 to the extent



that the applicant/appellant is allowed to be released on interim bail for a period of 8 weeks from the date of his release on filing a bail bond in the sum of Rs.1,00,000/- with two sureties of the like amount to the satisfaction of the Registrar General of this Court with directions to the applicant/appellant to the effect that:-

- he shall not leave the city of Delhi;
- he shall make no contact with the complainant and the prosecution witnesses and shall not intimidate them in any manner;
- he shall keep his mobile phone on at all times;
- he shall drop a PIN on the google map to ensure that his location is available to the CBI;
- he shall commit no offence whatsoever during the interregnum of the period that he is allowed to be released on interim bail for 8 weeks;
- in the event of there being any FIR, DD entry, or any complaint lodged against the applicant, the CBI would bring it to the notice of the Court forthwith.
- he shall surrender before the Superintendent Jail, Delhi concerned immediately on the expiry of period of interim bail i.e. for eight weeks.

CRL.M.(BAIL)8043/2020 is disposed of accordingly.

CRL.A. 451/2020

The matter be re-notified along with connected matter i.e. CRL.A.382/2020 for the date 11.12.2020.

ANU MALHOTRA, J

NOVEMBER 12, 2020

'neha chopra'