

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 1530/2026

Sharvan Kumar S/o Ram Kishan, Aged About 45 Years, R/o Through His Wife Smt. Knwarai W/o Sharvan Kumar Aged About 45 Years R/o Vishnoiyan Ki Dhani, Bhaniya, Rajola Kalan, Pali, District Pali, Rajasthan. (Presently Lodged In Dist. Jail Jalore)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Director General Of Police, Rajasthan Police Headquarters Jaipur
3. Superintendent Of Police, District Jalore Rajasthan
4. Sho, Police Station Sanchoe District Jalore Rajasthan.

----Respondents

For Petitioner(s) : Mr. Pranjul Mehta

For Respondent(s) : Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

21/04/2026

1. The instant criminal writ petition has been filed invoking the extraordinary jurisdiction of this Court, inter alia, seeking appropriate directions for enabling the petitioner, who is presently in judicial custody in connection with FIR No. 0097/2026 registered at Police Station Sanchoe for offences under Sections 8, 18, 29 and 25 of the NDPS Act, Sections 109(1), 121(1) and 132 of the BNS and Section 3 of the Prevention of Damage to Public Property Act, 1984, to undergo proper medical treatment at a specialized medical institution, in view of his continuing ailment relating to the lumbar spine. The petition has been preferred

through the wife of the petitioner, namely Smt. Knwarai, who has approached this Court on his behalf.

2. Learned counsel for the petitioner submits that the petitioner is suffering from acute lower back pain and related complications, as borne out from the medical record placed on file. It is urged that the MRI report clearly indicates disc pathology at L4–L5 and L5–S1 levels with nerve root compression and that the Medical Board has also acknowledged the said condition requiring treatment. It is further contended that adequate facilities for such specialized treatment, including possible surgical intervention and post-operative care, are not available within the jail system, and therefore, the petitioner deserves to be temporarily released under strict supervision so as to undergo complete treatment at AIIMS, Jodhpur. Learned counsel submits that the petitioner is willing to abide by any stringent conditions, including being kept under continuous guard, and that such limited release would not prejudice the prosecution in any manner.

3. Per contra, learned Public Prosecutor has opposed the prayer and submits that the petitioner is in lawful custody in connection with the aforesaid FIR and that the Medical Board report does not indicate any emergent or life-threatening condition warranting his release. It is thus contended that adequate medical care can be provided under custody and that no indulgence by way of temporary release is warranted.

4. Heard learned counsel for the parties and perused the material available on record.

5. Upon consideration of the rival submissions and the record, this Court finds that the medical documents, particularly the MRI report, do indicate disc bulge at L4–L5 and L5–S1 levels with nerve root involvement, which is capable of causing significant pain and functional limitation. The Medical Board has also recorded the petitioner’s complaint of lower back pain and linked it to the said spinal condition. At the same time, it is noticed that no fresh external injury has been found and the cause of the condition has been left open. Nonetheless, the requirement of appropriate medical treatment, including specialized evaluation and possible intervention, cannot be ignored. Balancing the right of the petitioner to receive proper medical care with the necessity of maintaining custody and ensuring that the proceedings are not prejudiced, this Court is of the considered view that a limited, strictly regulated temporary release would meet the ends of justice.

6. Accordingly, it is ordered that the petitioner shall be temporarily released for a period of 25 days from the date of his actual release, solely for the purpose of undergoing comprehensive medical treatment at AIIMS, Jodhpur.

7. The release shall be subject to the following conditions:

(i) The petitioner shall remain under continuous custody and supervision of designated police personnel/guard at all times during the period of release;

- (ii) The Superintendent of District Jail, Jalore shall make necessary arrangements for such temporary release and shall hand over the petitioner to the escorting staff with due documentation;
- (iii) The Commissioner of Police, Jodhpur shall ensure due coordination with AIIMS, Jodhpur for facilitating admission and treatment of the petitioner and shall also ensure adequate security arrangements throughout the period;
- (iv) The petitioner shall undergo such treatment, including surgical intervention, if advised by the treating doctors, and shall also receive necessary post-operative care during the aforesaid period;
- (v) The petitioner shall not contact any prosecution witness or indulge in any activity prejudicial to the pending proceedings;
- (vi) Upon expiry of the aforesaid period of 25 days, or earlier discharge from the hospital, the petitioner shall be taken back into custody forthwith and lodged in the concerned jail.

8. The Superintendent of District Jail, Jalore and the Commissioner of Police, Jodhpur shall ensure strict compliance of this order.

9. With the aforesaid directions, the present criminal writ petition stands disposed of.

(FARJAND ALI),J