

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR**

**CM(1781/2026) in WP (C) 1222/2025**

MIAN ABDUL QAYOOM ...Petitioner(s)/Appellant(s).

Through: Mr. Z.A.Qureshi, Sr. Advocate with  
Mr. Mian Rouf and Mr. Anurag Verma, Adv.

**Vs.**

U.T OF J&K AND OTHERS. ...Respondent(s).

Through: None

**CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE**

**ORDER**  
**08.04.2026**

1. The present application has been preferred by the applicant, who is the wife of the petitioner, Mr. Mian Abdul Qayoom. It is averred that the applicant received a telephonic communication from her husband, presently lodged in District Jail, Amphalla, Jammu, wherein he apprised her of acute pain on the right side of his abdomen. It is further submitted that the petitioner was thereafter taken to Government Medical College, Jammu, where an ultrasound examination was conducted, the report whereof is stated to indicate the presence of several cysts in the right kidney.
2. When the matter was taken up today, Learned Senior Counsel for the applicant, Mr. Z.A. Qureshi was confronted with the fact that the Hon'ble Supreme Court vide its order dated 24<sup>th</sup> February 2026 had directed Director, AIIMS, Jammu, to constitute a Special Medical Team for the examination of the petitioner. The said directions mandate a comprehensive assessment of the petitioner's extant medical condition, including the requirement, if any, of palliative care. The Hon'ble Supreme

Court further directed that the report of the Medical Team shall specifically indicate whether the existing medical infrastructure is adequate for the petitioner's treatment or whether there exists a necessity to transfer him to a higher medical centre, including at Delhi, for specialized medical care. For facility of reference, the relevant part of the order dated 24<sup>th</sup> February 2026 is reproduced as under:

***“We have heard the learned senior counsel appearing for the petitioner and the learned Additional Solicitor General appearing for the respondent.***

***As we are not inclined to interfere with the impugned order on merits, the only issue for consideration is with respect to the medical condition of the petitioner.***

***For the aforesaid purpose, we direct the Director of AIIMS, Jammu to constitute a special team to examine the petitioner, including the need for palliative care.***

***The report shall also suggest the facilities available in Jammu and the need, if any, for transferring him to Delhi for appropriate treatment.”***

3. Upon being so confronted, the learned Senior counsel for the applicant did not dispute the issuance of the aforesaid directions by the Hon'ble Supreme Court. It is further borne out from the record that the matter was listed before the Hon'ble Supreme Court on 24<sup>th</sup> March 2026, and at the request of the Learned Counsel for the petitioner the matter was directed to be listed on 21<sup>st</sup> of April 2026.
4. When a specific query was raised by this Court as to whether, in the face of subsisting directions issued by the Hon'ble Supreme Court, any parallel directions can be issued by this Court, the learned Senior counsel in response thereof submitted that pursuant to the directions of the Hon'ble Apex Court, a medical report had already been obtained through the Special Medical Team, wherein the condition of the petitioner was opined

to be stable. It was, however, further contended that, notwithstanding the findings recorded in the said report, the applicant received a telephonic call from the petitioner on 7<sup>th</sup> March 2026, subsequent to the submission of the said medical report, wherein he complained of acute abdominal pain, and that the presence of multiple cysts in the right kidney came to light only thereafter.

5. Heard and considered.
6. At the outset, it is trite law that, whether inside prison or outside, a person shall not be deprived of his guaranteed freedom save by methods 'right, just and fair'. The right to life, indubitably, encompasses the right to health and access to timely and adequate medical care, and a corresponding obligation is cast upon the State to ensure that every inmate in custody is provided proper medical attention.
7. However, having regard to the fact that the Hon'ble Supreme Court is already seized of the matter and has issued specific and comprehensive directions governing the medical examination and treatment of the petitioner, this Court is of the considered view that it would not be appropriate to issue any parallel or overlapping directions at this stage by taking cognizance in the instant application which pertain to the *medical condition* of the applicant.
8. It is also pertinent to note that learned counsel for the applicant while filing the instant application has not placed on record the order dated 24<sup>th</sup> February 2026 passed by the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No(s). 1381/2026 arising out of impugned final judgment and order dated 16-12-2025, in Crl.A(D) No. 50/2025 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu, directing the medical examination of the petitioner, nor the subsequent

order dated 24<sup>th</sup> March 2026, whereby an adjournment was sought on behalf of the petitioner. It was incumbent upon the applicant to make a full and fair disclosure of all material facts and orders having a direct bearing on the issue raised in the instant application.

9. In view of aforesaid reasons, the present application is not maintainable and liable to be dismissed and the same is accordingly dismissed. However, it is made clear that dismissal of the present application shall not be construed as an expression on the merits of the matter, and shall not preclude the petitioner from seeking such remedy as may be available to him in accordance with law before the appropriate forum.

**(WASIM SADIQ NARGAL)**  
**JUDGE**

SRINAGAR:  
08-04-2026  
Mubashir