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

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Reserved on: 07.11.2023
Pronounced on: 17.11.2023

+ **BAIL APPLN. 2093/2023**

MR. AMANDEEP SINGH DHALL Petitioner

Through: Mr. Tanveer A. Mir, Mr.
Vedant Verma, Mr. Shaswat
Sarin and Mr. S. Tyagi,
Advocates

versus

DIRECTORATE OF ENFORCEMENT Respondent

Through: Mr. Zoheb Hossain, Special
Counsel for ED along with Mr.
Vivek Gurnani, Mr. Kartik
Sabharwal and Ms. Manisha
Dubey, Advocates

+ **BAIL APPLN. 2229/2023**

AMANDEEP SINGH DHALL Petitioner

Through: Mr. Tanveer A. Mir, Mr.
Vedant Verma, Mr. Shaswat
Sarin and Mr. S. Tyagi,
Advocates

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through:



CORAM:
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

CRL.M.A. 30103/2023 (for extension of duration of medical examination) in BAIL APPLN. 2093/2023

CRL.M.A. 30096/2023 in BAIL APPLN. 2229/2023

1. The instant applications under section 482 of the Code of Criminal Procedure, 1973, ('*Cr.P.C.*') have been filed on behalf of the applicant seeking extension of duration of medical examination and treatment of the applicant at Indian Spinal Injuries Centre, Vasant Kunj, Delhi in furtherance of order dated 16.10.2023 of this Court whereby it was directed that the applicant be admitted at Indian Spinal Injuries Centre, Vasant Kunj, Delhi for a duration of three weeks in ECIR/ HIU- II/14/2022 dated 22.08.2022.

2. Learned counsel for the applicant states that pursuant to order dated 16.10.2023 passed by this Court in the present case, the applicant was admitted at Indian Spinal Injuries Centre on 18.10.2023 with complaints of acute chronic neck pain and right upper limb radiculopathy. The applicant was evaluated by the concerned doctors and medical staff at Indian Spinal Injuries Centre and diagnosed as a case of C3-C4 Herniated Nucleus Pulposus (Annular Tear) + Right C6-C7 foraminal disk Osteophyte complex. It is stated that the applicant is being treated conservatively with neuropathic medication, physiotherapy (IFT, TENS, and Ultrasound



therapy) along with supportive and symptomatic medication. It is submitted that with respect to the applicant's complaint of tinnitus in left ear and vertigo, the applicant has been prescribed to get an MRI Brain scan with DWI, which is yet to take place. In this regard, it is submitted that the applicant requires continued examination and treatment so that his ailments are accurately diagnosed and effective and adequate medical treatment is provided to him. It is argued that if the petitioner is discharged pre-maturely while his medical examination and treatment are ongoing, he may suffer intolerable and irreparable consequences. It is stated that the applicant was arrested in this case on 01.03.2023 and had remained in judicial custody since then, till 06.09.2023 wherein pursuant to order dated 04.09.2023 of this Court in the present petition, the applicant was directed to be admitted to AIIMS and to undergo medical tests and treatment and remain hospitalized till he is deemed reasonably and fully recovered from his medical ailments. It is stated that taking into account the medical condition of the applicant, the applicant was directed to be admitted to Institute of Liver and Biliary Sciences, Vasant Kunj for a period of two weeks by way of order dated 19.09.2023. It is stated that thereafter, on 22.09.2023, one Dr. Manish Tandon, Orthopaedics did a medical examination of the applicant for the severe cervical pain and it was prescribed by the doctor that in view of the severe compression, the applicant should be transferred to spinal unit for evaluation. It is stated that this Court, by way of its order dated 16.10.2023, had then allowed the applicant to be taken to Indian Spinal Injuries Centre. It is stated that the applicant is having severe



cervical pain due to a bulge in disc C6 and C7 and was scheduled for right C6-C7 epidural alongwith nerve root block on 02.11.2023 for pain management, and the applicant was experiencing complete blackouts frequently. It is also stated that applicant was facing temporary loss of consciousness. It is submitted that that with respect to the applicant's complaint of tinnitus in left ear and vertigo, the applicant has been prescribed to get an MRI Brain scan with DWI, which is yet to take place. It is thus, prayed that the duration of medical examination and treatment of the applicant at Indian Spinal Injuries Centre be extended till such time the applicant is reasonably and fully recovered from his ailments.

3. Learned Special Counsel for the Directorate of Enforcement, vehemently opposes the application requesting extension of order dated 16.10.2023 of this Court, and states that the current medical condition of the applicant does not necessitates that his treatment be carried out at Indian Spinal Injuries Centre, Vasant Kunj, Delhi. In this regard, learned Special Counsel places his reliance on a medical report dated 06.11.2023 which has been issued by Associate Director, Department of Spine Services, Indian Spinal Injuries Centre, Vasant Kunj, Delhi verifying the current medical condition of the applicant and clarifying as to whether he requires treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi or not, which states the medical condition of the applicant to be stable. It is stated that the medical report filed by the concerned official confirms that the medical history of the applicant is on the record of the hospital and currently the applicant is stable and does not require that his treatment be



carried out in the hospital premises. Thus, in view of the same, it is argued that the application for extension of duration of medical examination and treatment of the applicant at Indian Spinal Injuries Centre, Vasant Kunj, Delhi be denied.

4. This Court has heard arguments addressed by both the parties and has perused the case file including the medical history of the applicant and previous orders *qua* the applicant.

5. This Court *vide* its order dated 19.09.2023 had permitted the applicant to be admitted for specialized treatment in ILBS Hospital, Delhi after considering the medical history of the applicant and the advice of the doctor concerned. Thereafter, this Court *vide* order dated 16.10.2023 had allowed the request of applicant to be admitted for further treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi, and the relevant portion of the said order reads as under:

“5...This Court has gone through the documents placed on record as well as the order dated 19.09.2023 of this Court *vide* which, the applicant was earlier permitted to be admitted for specialised treatment in ILBS hospital *vide* detailed order and after considering the medical history of the applicant, the advice of the doctor concerned i.e. Dr. Manish Tandon and the requirement for his further treatment, this Court is inclined to allow the request of applicant of being admitted to Indian Spinal Injuries Centre at Vasant Kunj, Delhi for medical treatment on the following conditions:

- a) The applicant be admitted to Indian Spinal Injuries Centre at Vasant Kunj, Delhi for a period of three weeks within two days from today. However, the applicant shall continue to be in the custody of Superintendent of Jail concerned, and the Jail Superintendent concerned shall ensure that appropriate and adequate security is provided/deputed in the hospital since the accused will continue to remain in judicial custody though under treatment in the hospital.



- b) The Jail Superintendent concerned shall make arrangement to shift the applicant in an ambulance to the said Hospital.
 - c) The Medical Superintendent of Indian Spinal Injuries Centre, Vasant Kunj will constitute a medical board which will furnish a weekly report to this Court regarding the medical status of the accused and the need to continue treatment or hospitalization and also provide a copy of the same to the Enforcement Directorate and Central Bureau of Investigation.
 - d) It is also ordered that the entire expenses of medical treatment, hospitalization, security, and other incidental expenses incurred on the treatment shall be borne by the applicant.
 - e) During hospitalisation, the wife and children of the applicant are permitted to meet him between 11 AM to 12 PM and between 4 PM to 5 PM subject to the meeting hours and applicable rules of the hospital. The mother of the applicant Smt. Simrit Dhall will be permitted to meet the applicant daily during the prescribed meeting hours of the hospital. The sisters of applicant i.e. Smt. Simer Dhall and Smt. Komal Singh Dhall will be permitted to meet the applicant on alternative days during the meeting hours of the hospital.
 - f) The concerned Superintendent Jail shall ensure that the meeting schedule so mentioned above will be strictly adhered to.
 - g) The applicant shall not be allowed to use phone.
 - h) The family members of applicant may provide him home-cooked food, if so allowed by the doctor concerned.
 - i) The family members of the applicant shall not be allowed to carry phone with them, while meeting the applicant.
 - j) The learned counsel for the applicant will be allowed legal interview with the applicant, as per jail manual and rules.
6. Accordingly, these applications stand disposed of in above terms and subject to above conditions.
7. The copy of this order be forwarded to the concerned Jail Superintendent for information and compliance...”



6. The applicant, at this stage, is before this Court to press an application for extension of the duration of medical examination and his treatment at Indian Spinal Injuries Centre, Vasant Kunj, Delhi, in furtherance of order dated 16.10.2023 of this Court.

7. In the present case, the medical condition of the applicant and his valuable right to seek proper medical treatment was considered by this Court while granting him relief *vide* order dated 16.10.2023. Fortunately, the same has resulted into his medical condition improving as reflected in the report dated 06.11.2023.

8. This Court notes that the status of current medical condition of the applicant has been verified from the concerned hospital and a detailed medical report dated 06.11.2023 in this regard has been placed on record, which has been prepared by Associate Director, Department of Spine Services, Indian Spinal Injuries Centre, Vasant Kunj, Delhi. The said report opines that the medical condition of the applicant is now stable, and the relevant portion of this report reads as under:

“... As per direction given by Hon’ble High Court on 16.10.2023 patient Mr. Amandeep Singh Dhall, 50 years/male was admitted in this hospital on 18.10.2023 vide UHID No – 822201, IPD No. 90376 and treatment is being provided to him.

As per the available records documents received from you through email on 03.11.2023 are genuine and issued from our hospital on 31.10.2023 after written request from the patient.

Please find enclosed herewith verified copy of case summary, radiology investigation reports of patient Mr. Amandeep Singh Dhall as copies provided by you through email.

At present patient medically stable and is advised to continue medications and physiotherapy. Also want to inform you that physiotherapy can be managed at domicile premises by



physiotherapist or he can come for physiotherapy on OPD basis...”

9. Thus, the medical report dated 06.11.2023 reveals that the further treatment of the present applicant does not necessitate his stay in the hospital and if required, he can come for physiotherapy in OPD. Further, it has also been categorically opined by the doctor concerned that physiotherapy sessions can also be managed at domicile premises which at present in the case of applicant is the jail premises or jail hospital. Needless to say, the jail authorities shall ensure that the applicant is provided with the treatment as prescribed by the doctors concerned and the Jail Hospital Referral Policy, issued *vide* orders dated 10.02.2011 and 27.06.2022 by the office of Director General (Prisons), GNCTD is followed in letter and spirit.

10. Therefore, in view of the fact that the current medical condition of the applicant is stable and the same does not necessitate the stay of the applicant in the hospital, this Court is not inclined to allow the present applications since there are no grounds for extending the duration of medical examination and treatment of the applicant at Indian Spinal Injuries Centre, Vasant Kunj, Delhi.

11. Accordingly, the present applications stand dismissed.

12. A copy of this order be forwarded to concerned Jail Superintendent for information and compliance.

13. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J
NOVEMBER 17, 2023/zp