

**HIGH COURT OF JAMMU AND KASHMIR**

**AT JAMMU**

(Through Virtual Mode)

Reserved on : 26.05.2020

Pronounced on: 03.06.2020

Crl M No. 1554/2019

**Bail App. No. 206/2019**

Hem Raj

...Applicant

Through :- Mr. Asheesh Singh Kotwal,  
Advocate.

v/s

The UT of JK and another

...Non-applicants

Through :- Mr. Rajesh Thappa, Dy. A.G

**Coram: HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

**ORDER**

1. The order shall dispose of the bail application No. 206/2019.
2. The accused Hem Raj seeks bail in FIR No. 20/2018 registered with Police Station, Reasi on the ground that the accused is tuberculosis patient and is not getting proper treatment in the Jail. The accused has undergone a severe paralytic attack which has made half of his body unconscious and is being not provided the necessary medical facilities by the respondents. In addition, it is submitted during the course of arguments that in view of the COVID-19 pandemic, the life of the accused is at risk. The jail conditions are not conducive for the accused in the present scenario and thus the bail be granted to him on that score also.
3. The objections to the application have been filed wherein it is submitted that the accused is facing trial in FIR No. 20/2018 for offence under Sections 376/506 RPC. The accused has committed rape upon the prosecutrix, aged about 12/13 years, and made her pregnant.

Accused does not deserve concession of bail for the offence committed by him. It is also submitted by the learned counsel during the course of arguments that every possible treatment is being given to the accused. The tuberculosis is not a life threatening disease nor is it on record that the jail conditions are such that the medical condition of the accused will deteriorate due to COVID-19 pandemic.

4. The bail is sought on medical ground by the accused who is stated to be suffering from tuberculosis. The said disease is not a life threatening one and is curable. The bail cannot be granted to the accused only for the reason that he is having some disease though it may not have telling effect upon the health of the accused during his stay in the Jail. The argument of the learned counsel for the applicant/accused is that as the condition of the accused was not good and that is why he has been shifted from Reasi Jail to District Jail, Amphalla, Jammu. The reference made to the letter by the learned counsel for the accused to the Principal Sessions, Judge, Reasi by Incharge Superintendent Sub-Jail, Reasi does not make out in any manner that the accused cannot be treated in the hospital, if required, or the jail authorities are not in a position to otherwise take care of the accused. The accused has been given specialized treatment and the medicines are being provided on regular basis. There is no fresh report on the file which can convince this Court that the medical condition of the accused is such that the only option available with the Court is to grant bail to the accused.
5. The argument raised of the COVID-19 pandemic is again of no help to the accused as there is nothing on the record that the jail condition where the accused is lodged has COVID patients which may endanger

the life of the accused. The accused who is facing trial in a heinous offence cannot be granted bail on medical ground when no such ground exists in favour of the accused.

6. No good ground is made out by the accused for granting him bail.
7. Application is, accordingly, dismissed.

**(PUNEET GUPTA)**  
**JUDGE**

Jammu  
03.06.2020  
Pawan Chopra

Whether the order is speaking? Yes/No  
Whether the order is reportable? Yes/No

