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

+ BAIL APPLN. 2093/2023, CRL.M.A. 17595/2023

MR. AMANDEEP SINGH DHALL Petitioner

Through: Mr. Sidharth Luthra, Mr. Vikas Pahwa, Sr. Adv. with Mr. Tanveer Ahmed Mir, Mr. Vedant Verma, Mr. Ayush Kaushik, Mr. Shashwat Sarin, Ms. Nikita Patra, Ms. Namisha, Mr. Sougat Pati, Adv.

versus

DIRECTORATE OF ENFORCEMENT Respondent

Through: Mr. Zoheb Hossain, Special counsel for ED with Mr. Vivek Gurnani, Mr. Kartik Sabharwal, Ms. Manisha Dubey, Adv.

+ BAIL APPLN. 2229/2023, CRL.M.A. 17355/2023

AMANDEEP SINGH DHALL Petitioner

Through: Mr. Sidharth Luthra, Mr. Vikas Pahwa, Sr. Adv. with Mr. Tanveer Ahmed Mir, Mr. Vedant Verma, Mr. Ayush Kaushik, Mr. Shashwat Sarin, Ms. Nikita Patra, Ms. Namisha, Mr. Sougat Pati, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Anupam S Sharma, Special Counsel for ED with Mr. Rajeev Kumar, Mr. Alok, Ms. Harpreet Kalsi, Mr. Prakarsh Airan, Mr. Ripudaman Sharma, Mr. Abhishek Batra, Mr. Vashishth Rao, Adv.



**CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

ORDER

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04.09.2023

CRL.M.(BAIL) 1201/2023 in BAIL APPLN. 2093/2023

CRL.M.(BAIL) 1200/2023 in BAIL APPLN. 2229/2023

1. The present applications have been moved for grant of interim bail on medical grounds for a period of two weeks in case FIR No. ECIR / HIU – II /14 / 2022 DT. 22.08.2022.
2. Pursuant to the order dated 25.08.2023, AIIMS has filed the following status report:

“Subject: - Medical treatment Report of inmate patient Mr. Amandeep Singh Dhall at AIIMS New Delhi (UHID No.- 106977817) - Reg.

Ref.: Court order dated 25.08.2023 of Hon'ble Mr. Justice Dinesh Kumar Sharma. High Court of Delhi vide Bail Appln. 2229/2023 titled Amandeep Singh Dhall Versus Central Bureau of Investigation.

Sir.

Please refer to the Hon'ble court order dated 25.08.2023 of Hon'ble Mr. Justice. Dinesh Kumar Sharma, High Court of Delhi vide Bail Appln. 2229/2023 titled Amandeep Singh Dhall Versus Central Bureau of Investigation regarding aforementioned subject.

In this regard, it is informed that inmate patient Mr. Amandeep Singh Dhalk was examined in Orthopaedics OPD on 31.08.2023 and was referred to Neurosurgery OPD and Neurology OPD for opinion.

The treatment doctor from Neurology advised him NCS test



which was conducted on 01.09.2023.

MRI done on 25.07.2023 reports age related early cervical spondylotic changes and no other significant abnormality. Nerve conduction studies done on 01.09.2023 at AIIMS New Delhi shows normal study.

There is no objective evidence of weakness in right upper limb as observed in MRI and Nerve evaluation studies also confirmed by Neurologist at AIIMS New Delhi. However, he can be seen in OPD as when required.”

3. The Superintendent Jail has also sent the report which reads as under:

“Sub: Medical Report of inmate Patient Amandeep Singh S/o Birender Pal”

As per the record available, the inmate patient is lodged in CJ-07 on 07/03/2023. At the time of Mulahiza (first medical examination), the inmate patient did not give any history of drug abuse but alleged history of slip disc at C3,C4,C5 on/off on treatment. (Related documents not submitted)

On 11/05/2023, the inmate patient was reviewed by jail visiting Ortho SR for his complaint of pain in cervical region for which he was advised physiotherapy along with pain killer including tablet pregabalin.

On 27/06/2023 and 08/07/2023, the inmate patient was reviewed by jail visiting Ortho SR for his complaint of pain in cervical region for which he was advised to continue the same along with MRI Cervical Spine.

On 10/07/2023, the inmate patient was referred to RML hospital Neurosurgery for the complaint of increase pain in right upper limb and for his condition of C6-C7 PIVD with Radiculopathy for which he was advised MRI Cervical Spine with whole spine screening along with medication.



On 19/07/2023, blood reports suggestive of dyslipidemia and DM2.

On 20/07/2023, the inmate patient was reviewed by jail visiting Ortho SR for his complaint of pain in cervical region for which he was advised to continue the same along with MRI Cervical Spine.

On 26/07/2023, the MRI was done which revealed Posterior and right paracentral disc bulge is seen indenting the thecal sac causing effacement of right neural foramin. Spinal canal and neural foramina are normal in dimension. Screening through dorsal and lumbar spine shows no significant abnormality. (Annexure A1)

On 27/07/2023, the inmate patient was reviewed by jail visiting psychiatry SR for the complaint of disturbed sleep and appetite, apprehension/restlessness for which he was given prescribed medicines.

Multiple times, the inmate patient visited jail dispensary for the complaint of Bleeding PR, giddiness and black outs for which he was prescribed medication and was advised to review Surgery and ENT OPD.

On 02/08/2023 and 16/08/2023, the inmate patient visited DDU Hospital Surgery department for the complaints of Bleeding PR and painful defecation. Upon examination, 2nd degree internal haemorrhoids at 3,7,11 o'clock position, chronic fissure in anal midline position and sentinel skin tag midline. After through examination the inmate patient was advised medication and fibre rich diet along with sitz bath. (Annexure A2)

The inmate patient multiple times visited CJ-07 dispensary complaining of tinnitus and black outs for which he was given medicines and was advised medication.

The inmate patient submitted photocopies of his previous medical treatment for severe vertigo wherein he was



administered steroids in middle ear.

On 16/08/2023, the inmate patient was referred to ENT at DDU Hospital for left ear tinnitus and giddiness since three weeks. Pure tone Audiometry was done which revealed left severe mixed hearing loss. The inmate patient was advised medicines along with review in vertigo clinic on 31/08/2023. (Annexure A3)

On the same day ultrasound of whole abdomen was done which is suggestive of Grade-I fatty liver.

On 18/08/20213, the inmate patient was referred to RML Neurosurgery for the complaint of pain in right upper limb radiating to tip of the 1st, 2nd and 3rd finger. Upon examination sensory loss over the C6 nerve root level. The inmate patient was advised dynamic X-ray Spine along with PMR reference. (Annexure A4)

On 21/08/2023, the inmate patient was referred to RML Neurosurgery for the follow up C5-C6 PIVD wherein he was advised avoiding weight lifting and forward bending along with medicines.

The inmate patient was referred to DDU Hospital Dermatology department for multiple Keloids over upper back for which he was advised intralesional triamcinolone injection once in three weeks in the keloids.

On 23/08/2023, the inmate patient was referred to DDU Hospital Surgery department for the follow up of internal haemorrhoids and the complaints of Bleeding PR and painful defecation and for multiple keloids over upper back for which he was advised lignocaine jelly for local application for pain in the anal region, and review plastic surgery for multiples keloids over upper back. (Annexure A5)

On 28/08/2023, the inmate patient was referred to RML Hospital for Neurosurgery opinion wherein he was advised NCV and prescribed medicines. . (Annexure A6)



In view of the Hon'ble High Court order, the inmate patient was referred to AIIMS on 31/08/2023, 01/09/2023 and 02/09/2023, for the medical examination and the report of the same to be submitted in the Court.

At present, the inmate patient is a follow up case of internal haemorrhoids, C6-C7 PIVD, multiple keloids over upper back, tinnitus, giddiness, Sleep disturbance, and DM2 under treatment from Jail Dispensary, DDU Hospital, and RML Hospital. Despite medical treatment the inmate patient still complains of painful defecation and bleeding PR, pain and weakness over right upper limb, black outs and ringing sound in the ear, and discomfort over upper back while sleeping.

All the medicines are being provided him from jail dispensary.”

4. Perusal of the detailed medical report of the petitioner indicates that the petitioner is suffering from various medical issues and needs constant medical supervision and treatment.
5. This Court is of the confirm view that proper and effective medical treatment is a right of every individual and it includes the petitioner as well who is facing present cases being instituted by the CBI and ED. No doubt, at the outset, the allegations leveled by the CBI and ED are quite serious in nature. However, such allegations are yet to pass the various tests including the present one wherein the petitioner has sought for statutory bail as well as these allegations are yet to be tested during the course of the trial. Thus, these allegations may be very serious in nature but while considering the medical condition of the petitioner, the Court is required to view the same with the compassion. Thus, I consider



that without going into the merits of the case. Firstly, for the purpose of providing effective medical treatment, let the petitioner be admitted in AIIMS within two days for appropriate medical tests and treatment.

6. Medical Superintendent, AIIMS is requested to constitute a Medical Board and get the petitioner admitted to the hospital. The Medical Superintendent, AIIMS is also requested to provide a private room to the petitioner for which he will bear all the expenses. The entire expenses of the medical tests and treatment shall also be borne by the petitioner. The Court is conscious of the fact that the AIIMS is already overburdened and making such a request for providing private rooms to the petitioner by the Court may be slightly interfering with the administration but this may not be taken up as a precedent and as a special case the Medical Superintendent may consider the same. The petitioner shall remain hospitalised till it is required or advised by the medical board. However, this Court expects from the AIIMS that till the petitioner is reasonably and fully recovered from his ailments, he shall be allowed to remain hospitalised in the AIIMS. During the treatment, he will remain in the custody of the Superintendent Jail.
7. During this period, the petitioner shall not be allowed to use any phone. However, the wife and children of the petitioner may meet the petitioner for the specific hours during the day i.e. 11.00 AM to 12.00 PM and 04:00 PM to 05.00 PM. The visitors are also not permitted to carry their phones during the mulaqat. The petitioner shall be permitted to have home-cooked meal in accordance with



Jail rules. The legal mulaqat may also be permitted by Superintendent Jail as per Rules. The medical board, AIIMS shall furnish the report to the Court along with the copy to the ED, CBI and petitioner as per rules.

8. In view of the above, the present applications stand disposed of.
9. However, the present arrangement has been made purely on the medical grounds without taking into account the merits of the case.

BAIL APPLN. 2093/2023 and BAIL APPLN. 2229/2023

10. List on 19.10.2023.

11. The copy of this order be given *dasti* under the signature of Court Master.

DINESH KUMAR SHARMA, J

SEPTEMBER 4, 2023

Pallavi