

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Reserved on 23.08.2021

Pronounced on: 27.08.2021

Bail App No. 108/2021

CrIM No. 645/2021

CrIM No. 644/2021

Geeta Devi

.....Appellant(s)/Petitioner(s)

Through: Mr. Rahul Bharti, Sr. Advocate with  
Mr. Ateet Sapolia, Advocate.

**Vs**

Union Territory of J&K and anr.

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA vice  
Mr. Aseem Sawhney, AAG

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

**JUDGMENT**

1. The petitioner has filed the present bail application for grant of bail primarily on health ground. It is stated that the petitioner is 51 years of age and was arrested on 23.04.2020 and since then, she has been lodged at District Jail, Amphalla. It is further stated that the petitioner has serious heart ailment, which has the potential of being fatal if not attended and cared properly. It is further stated that the petitioner has been falling in the trap of depression and with each passing day, her health condition is deteriorating.
2. The petitioner had earlier filed a bail application before the learned trial Court but the same was rejected vide order dated 16.04.2021 and now the present bail application has been filed by the petitioner.

3. Status report has been filed by the respondents narrating the factual aspects those are not relevant for deciding the present bail application as the petitioner has been seeking the bail on health grounds only and have also placed on record the health status report of the petitioner.
4. Mr. Rahul Bharti, learned senior counsel for the petitioner vehemently argued that the petitioner is suffering from heart ailment as well as the severe depression, so she is entitled to bail.
5. *Per contra*, Mr. Bhanu Jasrotia, learned GA appearing vice Mr. Aseem Sawhney, learned AAG vehemently argued that the petitioner cannot be enlarged on bail as she has been facing trial for the commission of heinous offence of murder and she was the main conspirator and further that the petitioner is not suffering from any disease for which the treatment is not available in the Jail.
6. Heard and perused the record.
7. The admitted fact is that the petitioner has been facing trial for the commission of offence under Section 302, 120-B, 429 IPC and 3/25/27 Arms Act. Further the perusal of the health status report placed on record by the respondents reveals that the petitioner is suffering from Dyspnea on exertion with increased blood pressure. Further the petitioner has undergone C.A.G (Coronary Angiography) on 23.10.2020, which showed normal coronaries with decreased blood flow. The petitioner was advised medicines with review from the Cardiologist. It was also stated that the petitioner has started showing features of depression that includes unexplained excessive crying,

palpitation, loss of sleep etc. and further she is being given regular counseling.

8. Be that as it may, from the record, it is evident that the petitioner is suffering from the heart ailment as also from the depression. As the petitioner is facing trial for the commission of offence under Sections 302, 120-B, 429 IPC and 3/25/27 Arms Act, so the petitioner cannot be enlarged on bail, however, taking into consideration the health status of the petitioner, this Court deems it proper to direct the Principal Government Medical College, Jammu to constitute a Medical Board for the examination of the petitioner in view of the ailments being suffered by the petitioner and Superintendent District Jail, Amphalla shall provide treatment to the petitioner as shall be prescribed by the Medical Board.
9. Copy of this order be provided to Principal, Government Medical College, Jammu as well as Superintendent, District Jail, Amphalla for compliance.
10. Disposed of accordingly.

**(Rajnish Oswal)**  
**Judge**

**Jammu**  
27.08.2021  
Tarun

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