

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRWP No.522 of 2015
Date of decision: 20.05.2015

Anil Jain

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Ms. BPK Brar, Advocate for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

Ms. Harpreet Kaur Dhillon, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for issuance of directions to the respondents to release the petitioner on *parole* for four weeks to enable him to get private medical treatment/surgery of brain, which carries syst, in the light of Section 3 (1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

Petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Section 302 IPC and for other offences vide judgment dated 3.12.2012 passed by learned

Additional Sessions Judge, Ludhiana. Petitioner filed appeal against the said judgment i.e. CRA-D-1203-DB-2012, which has also been dismissed by this Court in the year 2014.

On notice of motion having been issued, learned State counsel has filed reply on behalf of the respondents.

Learned counsel for the petitioner submits that considering the nature of disease, the petitioner urgently requires surgical intervention and he would prefer if the surgery is conducted in a private hospital, preferably in Max Hospital situated in Bathinda. She has further submitted that the petitioner is ready to bear the expenses for surgery/treatment.

Ms. Hardeep Kaur Dhillon, Advocate has put in appearance on behalf of the complainant namely Bhanu Pratap Jain and submits that complainant has no objection if the petitioner is given treatment while in jail custody. She apprehends that in case the petitioner is released on parole, he may cause harm to the complainant or his family members. She further submits that the complainant is ready to bear the expenses for providing security to the petitioner in case petitioner needs treatment/surgery outside jail premises.

Learned State counsel, on instructions from SI Karamjeet Singh Grewal, states that he does not have any objection if the petitioner takes treatment or gets his surgery performed from the private Max Hospital, Bathinda at his own expenses, but such treatment/surgery would be conducted only

under the jail custody, as adverse reports have come against the petitioner from the office of SSP, Sangrur vide letter dated 7.10.2014.

On the basis of medical record, as adduced by learned counsel for the petitioner, it is established that the petitioner requires timely treatment for removal of syst from his brain, which fact is clear from the MRI report dated 28.4.2015 submitted by the Department of Radiodiagnosis & Imaging, GGS Medical College and Hospital, Faridkot.

Accordingly, the present petition is disposed of with a direction to the respondents to allow the petitioner to undergo treatment/surgery from Max Hospital, Bathinda under the jail custody, for which the respondents shall provide the necessary security. The respondents are directed to take the petitioner to Max Hospital, Bathinda within 15 days along with medical record, as available with them, so that the surgery of the petitioner can be performed. However, it is made clear that all expenses for the surgery/treatment shall be borne by the petitioner himself and the surgery would be conducted under jail custody only.

May 20, 2015
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(HARI PAL VERMA)
JUDGE