

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.802 of 2016 (O&M)

DATE OF DECISION: JUNE 21, 2016

RAM KUMAR KALYAN

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE RAJ MOHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MS.G.K. MANN, ADVOCATE FOR THE PETITIONER.
MR. ANKUR MITTAL, ADDL.A.G., HARYANA.
MR. YOGESH SAINI, ADVOCATE FOR THE COMPLAINANT.

M. JEYAPPAUL, J.

CRM-W-179-2016

1. Application is allowed. The documents are taken on record.

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2. Petitioner Ram Kumar Kalyan has sought for extension of parole on account of his ill-health which mandates specialized treatment.

3. Heard the submissions made by learned counsel appearing for the writ petitioner, learned counsel appearing for the complainant and learned counsel for the State.

4. It is contended that the petitioner was diagnosed with IHD (Ischemic Heart Disease) and DM (Diabetic Mellitus) and he was admitted in the Department of Cardiology on 16.9.2005. Thereafter, he was admitted to Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak on

11.12.2015 and was discharged on 17.02.2016. Since the year 2015, he has been under treatment.

5. It is contended that the petitioner was released on agricultural parole and his problem aggravated. As he needs to undergo further specialized treatment at Metro Hospital to arrest his deterioration in his health and the risk he faced to his life, his parole be extended.

6. Though the petition has been filed seeking extension of parole, vide order dated 9.6.2016, this Court directed that the petitioner shall surrender on completion of parole period and in the meanwhile, the respondent-State was directed to get instructions as regards the medical facilities being provided to the petitioner to take care of his ill health.

7. Learned counsel appearing for the petitioner referring to the various medical records submitted that at least 2 months' parole be extended in order to take medical treatment.

8. *Per contra*, learned counsel appearing for the complainant submits that the medical records have been produced from the Doctors who are close to the petitioner. It is further contended that the petitioner has availed paroles many a time. Therefore, he shall not be granted parole again.

9. Learned counsel appearing for the State contended that though it is admitted that the petitioner is taking treatment at Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak, as the petitioner has gone on parole many a times, the plea for parole be rejected.

10. We went through the entire medical records produced by the petitioner. Though there is an allegation that the medical records have been

produced from the Doctors close to the petitioner, the State, in fact, admits the fact that the petitioner has been afflicted with heart disease and as a result of which he has been regularly treated at Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak.

11. Just because many a time parole has been granted to the petitioner for certain reasons, the frequency of granting parole cannot be cited to ignore the imminent medical attention that is required for the petitioner.

12. In view of the above facts and circumstances, we direct that the petitioner who has surrendered in terms of the order passed by us on 9.6.2016 on completion of agricultural parole be released on parole on medical grounds for two months from the date he is released from jail.

13. The petitioner shall complete his medical treatment and surrender to the Jail Superintendent from where he is being released on parole on 22.8.2016.

14. The writ petition is ordered accordingly.

(M. JEYAPPAUL)
JUDGE

June 21, 2016
Gulati

(HARINDER SINGH SIDHU)
JUDGE