

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

CRWP No. 1213 of 2017 (O&M)

Date of Decision: 16.12.2017

Ravinder Pal @ Bittu

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Shivam Grover, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

LISA GILL, J(Oral).

This petition has been filed seeking emergency parole due to the deteriorating medical condition of the petitioner, who is suffering from Polio.

Petitioner has been convicted for the offences punishable under Sections 376(2)(g) read with Section 302/34 IPC and has been sentenced to undergo imprisonment for life. Criminal appeal i.e. CRA-D-776-DB of 2005 was dismissed. Special Leave Petition i.e. SLP(Criminal) 7314 of 2016 was also dismissed by the Hon'ble Supreme Court. It is submitted that the petitioner has undergone about 12 years of the sentence of life imprisonment imposed upon him. It is further submitted that the petitioner has earlier availed the benefit of parole on various occasions. He never misused the same on any occasion.

Relevant portion of the medical report of the Medical Officer Central Jail, Hissar dated 27.05.2016 attached as Annexure P-1 reads as under;-

“At present, after 10 months of treatment from P.G.I. Rohtak, according to P.G.I. Rohtak his left leg muscle and

nervous system are very poor, also the urine is getting out of control day by day. Which may result to Demyelination of Spinal Cord.

There is not any significant improvement by Regular treatment follow-up by P.G.I. Rohtak to his condition. This rapid weakening of left leg limb may result to various serious case.”

As per Medical opinion by the Senior Professor & Head of the Department of Neurology as well as another doctor, the petitioner needs complete bed rest and requires long time treatment in higher center/ PGIMS. It is thus prayed that this petition be allowed.

As per reply by way of affidavit dated 21.11.2017 of Shamsher Singh Dahiya, Superintendent Jail, Central Jail-I, Hisar, medical condition of the petitioner is not denied, though, it is mentioned that he is being referred to PGIMS, Rohtak regularly, timely, and as and when required.

In this view of the matter, learned counsel for the State submits that there is no requirement of the petitioner being released, on parole.

I have heard learned counsel for the parties.

As per medical report dated 18.11.2017 (Annexure R-2) attached with the reply filed on behalf of the State, it is mentioned as under:-

“Ravinder Pal s/o Inderjeet Singh is suffering from compressive myelopathy and post polio right and left leg pain and is also complaining of pain lower part of back. History of weakening and muscle wasting of right leg first and later he is also getting weakening and muscle wasting of left leg also, which is increasing day by day. He is also giving history of uncontrolled urination. Due to his ailments he is having difficult walking.

The convict prisoner patient is under the treatment of P.G.I.M.S Rohtak. He is being referred and sent to P.G.I.M.S, Rohtak, regularly, timely and as and when required. He is being investigated (M.R.I) and treated there by the Doctors of

P.G.I.M.S Rohtak. He is also getting his follow-up done regularly and timely.”

Section 3-A of the Haryana Good Conduct Prisoners Temporary Release Act, 1988, reads as under:-

3. (1) The State Government may, in consultation with the District Magistrate or any other officer appointed in this behalf, by notification in the official Gazette and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-Section (2), any prisoner, if the State Government is satisfied that

(a) a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill; or

(b) xxxx

(c) xxxx

(d) xxxx

(2) The period for which a prisoner may be released shall be determined by the State Government so as not to exceed-

(a) where the prisoner is to be released on the grounds specified in clause (a) of sub-section (1), three weeks;

Medical condition of the petitioner is not in dispute. There is no impediment in grant of parole to the petitioner in the present factual matrix.

Keeping in view the facts and circumstances of the case and the admitted medical condition of the petitioner, it is considered just and expedient to allow this petition. Consequently, parole for a period of three weeks be afforded to the petitioner subject to conditions as may be prescribed by the competent authority.

Petition is accordingly allowed.

16.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.