

(232)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrWP No.838 of 2017

Date of decision: 26.07.2017

Anish

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON.
HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. K.S. Khehar, Advocate for the petitioner.

Mr. Siddharth Sanwana, DAG, Haryana for the State –
respondents No.1 and 2.

S.S.Saron, J.

Learned State Counsel has filed short reply by way of an affidavit of Sh. Anil Kumar, Superintendent, District Jail, Faridabad on behalf of respondents No.1 and 2. The same is taken on record.

Heard learned counsel for the parties.

The criminal writ petition has been filed by the petitioner Anish seeking extension of his parole that has been granted beyond its expiry on 24.07.2017, for a period of at least six weeks for getting his medical treatment.

The petitioner has been convicted by the learned Additional Sessions Judge, Faridabad, vide judgment dated 1.8.2015, for the offences under Sections 304-B, 34, 498-A and 406 Indian Penal Code ('IPC' - for short). He has been sentenced vide order dated 25.08.2015 to undergo rigorous imprisonment for ten years; besides, pay a fine of Rs.20000/- and in default in

payment of fine undergo rigorous imprisonment for seven months. At present, the petitioner is undergoing his imprisonment. He has filed a criminal appeal i.e. CRA No.S-4176-SB of 2015 in this Court, which is pending.

The petitioner was granted agriculture parole for six weeks which has since expired on 24.7.2017. The petitioner after he was released from jail came under stress and suffered a serious attack of epilepsy on 16.07.2017. He was advised admission and also advised to avoid physical and mental stress which triggered the seizures. The doctor of the Neurology Department of Doctor Ram Manohar Lohia Hospital, New Delhi mentioned the case of the petitioner to be one of uncontrolled seizures; besides, he was advised to avoid stress and ensure six to eight hours sleep. The petitioner was earlier admitted in Hospital on 10.1.2017 for one week and then again admitted for 15 days from 28.04.2017 to 12.05.2017. He was kept under observation in view of the seizures that he was getting. Various tests were also got done. It is submitted that the petitioner in view of attacks is to be regularly on anti-epileptic medication which has been advised.

Notice of motion was issued in the case on 21.07.2017 for today and in the meantime the parole granted to the petitioner was extended till today.

In terms of the reply that has been filed, it is submitted that the medical condition regarding the health of the petitioner was sought from the Senior Resident, Department of Neurology, Doctor Ram Manohar Lohia Hospital, New Delhi. Dr. Pawan Kumar, Senior Resident, DM (Neurology) has given the following report:-

“Patient Anish has been admitted on 24.07.2017 for evaluation of recurrent generalized seizures. His condition is serious in nature and needs urgent management.”

Keeping in view the medical condition and report given by the Senior Resident, DM (Neurology), it would be just and expedient to extend the period of parole of the petitioner for a period of six weeks from 24.07.2017.

The writ petition is, accordingly, allowed and the period of parole in respect of the petitioner shall stand extended for a period of six weeks from 24.07.2017. The petitioner shall surrender in jail on the expiry of six weeks from 24.07.2017. The bail bonds and surety which have been furnished by him shall continue to be operative till he surrenders.

(S.S. Saron)
Judge

(Avneesh Jhingan)
Judge

26.07.2017
amit

Note:

1. Whether the order is speaking/reasoned: Yes.
2. Whether the order is reportable : No.