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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2242/2016

KRISHAN GOVIND

..... Petitioner

Through: Mr. S.K. Sethi and Ms. Dolly Sharma,
Advs. along with Mr. Rajiv Kumar
S/o petitioner in person.

versus

STATE

..... Respondent

Through: Mr. Rajesh Mahajan, ASC for SI
Niranjan Kumar, P.S. Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.01.2017

Learned counsel for the petitioner, on instructions of Mr. Rajiv Kumar son of the petitioner, submits that only prayer (a) is being pressed in this writ petition. He further submits that for prayer (b) petitioner will approach the competent authority in terms of Clause 3.4 of the Order No. F. 18/5/94/Home(Genl.)/3819 dated 16th July, 2004 issued by the Govt. of National Capital Territory of Delhi.

Petitioner's application for grant of parole has been rejected by the respondent vide order dated 25th May, 2016, which is under challenge in this writ petition. By the said application, petitioner had prayed for grant of parole on the ground that he was an octogenarian, bedridden and terminally ill, therefore, be released on permanent parole. This application of the

petitioner has been rejected by the respondent vide impugned order, in the absence of requisite police verification report regarding address and grounds in the application.

During the pendency of present petition, three reports have been received from the Medical Officer (I/C), Central Jail Hospital, Tihar regarding the medical condition of petitioner. A perusal of all these reports clearly shows that petitioner is very sick and is bed ridden. Even though he is provided medical treatment regularly but his general condition has not been improved and rather it is gradually deteriorating. The latest medical report dated 2nd January, 2017 reads as under :-

“The patient is known case of old stroke with right basal ganglia bleed with left hemiparesis with hypertension with prostatomegaly with urinary tract infection with urinary incontinence with sepsis with lower respiratory tract infection with right upper limb cellulitis with anemia with left ear CSOM with bed sores. He was referred from Central Jail No.02 to Central Jail Hospital and got admitted at Casualty/Central Jail Hospital w.e.f. 21.07.2016 to till date and in between he was admitted at DDU Hospital/Medicine Department w.e.f. 27.07.2016 to 12.08.2016 with above said diagnosis.

At present he is admitted at Casualty/Central Jail Hospital and has complains of decreased oral intake, generalized body weakness, healing wound at lower back and buttock, urinary incontinence, cough with sputum, on & off fever with chills, inability to stand/walk without support, altered bowel habit, backache, decreased vision both eyes, headache, giddiness and lower urinary tract symptoms.

On examination patient's general condition is poor. His body

weight is very low and he is pallor (low haemoglobin). On CNS examination, there is decreased power and tone on both lower limbs. On auscultation of chest, there are rhonchi on bilateral lower zones. He is bed ridden and on regular foley's catheter and diaper. He has been including in the list of Seriously Sick patient dated 17.08.2016. He is getting regular treatment and adequate care at Central Jail Hospital but his general condition is gradually deteriorating."

The earlier reports of the petitioner are also in line with this report.

Keeping in mind the reports submitted by the jail doctor, as aforesaid, it is ordered that he be released on parole for a period of three months from the date of his release, subject to his furnishing a personal bond in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent.

Writ petition is disposed of in the above terms.

Copy of the order be sent to the Jail Superintendent for compliance.

A.K. PATHAK, J.

JANUARY 06, 2017

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