

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

**CWP No.17517 of 2018
Date of Decision:-30.07.2018**

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present:- Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG Haryana.

JITENDRA CHAUHAN J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India read with Section 3(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 is for extension of parole period on medical grounds to enable him to get surgery of his hand done.

Pursuant to order dated 19.7.2018 passed by this Court, the petitioner was examined by the Doctors in the concerned department of PGIMS, Rohtak and as per the report of PGIMS Rohtak, which is taken on record as Mark 'A', there was no emergent situation found for surgery of the hand of the petitioner. Otherwise also, the petitioner had been released on agriculture parole from 08.6.2018 to 21.7.2018, which, thereafter was extended till today vide order dated 19.7.2018. The petitioner is praying for extension of parole on medical grounds whereas it is asserted that the injury on the hand of petitioner was already in

existence when the agriculture parole was sought.

Vide order dated 19.7.2018, learned counsel was asked to file a specific affidavit as to why the petitioner was so seriously sick, why the earlier petition was filed for agriculture parole. The explanation furnished by the petitioner by way of affidavit dated 29.7.2018, which is taken on record as Mark 'B', is unsatisfactory. As per the affidavit, the petitioner had already applied for agriculture parole on 23.4.2018 when he was incarcerated, whereas his treatment was going on since 25.10.2017. What prompted the petitioner to apply for agriculture parole on 23.4.2018 instead of emergency parole on medical grounds, is intriguing. It appears that the medical record produced by the petitioner is only a device to get his parole extended, particularly when the doctors at PGIMS Rohtak have found no emergent situation for surgery of the hand of the petitioner and requires routine elective surgery for the same. Plea of the petitioner to get specialized treatment from private hospital is clearly an after thought concocted story.

The Court feels that the petitioner has not approached this Court with clean hands. The conduct of the petitioner disentitles him for the relief sought. Consequently, the present petition is hereby dismissed and the petitioner is directed to surrender before the jail authorities forthwith.

Registry is directed to send a copy of this order to Superintendent, District Jail, Neemka, Faridabad for taking action as per law.

July 30, 2018
Vijay Asija

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No