

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

114

CWP No. 4251 of 2018
Date of Decision: 3.4.2018

Kewal Krishan

.....**Petitioner**

v.

The State of Haryana and others

.....**Respondents**

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. K.S. Sidhu, Advocate, for the petitioner
Mr. Saurabh Mohunta, DAG, Haryana

RAKESH KUMAR JAIN, J.

The petitioner has prayed for his release on parole for a period of 16 weeks.

The petitioner was convicted for an offence punishable under Section 325 of the IPC and sentenced to undergo 4 years rigorous imprisonment. The appeal against the said sentence has already been dismissed by this Court. The petitioner is stated to be of 65 years of age. He is lodged in District Jail, Kurukshetra, and has suffered heart attack twice while in jail.

The petitioner is at present under the treatment of Dr. T. S. Kler. On the last date of hearing, the petitioner has produced a certificate purported to have been issued by Dr. T.S. Kler, in which he has mentioned that the petitioner had underwent repeated Coronary Angiography in January 2018 which revealed Triple Vessel Disease. He has been advised Coronary Artery Bypass Grafting (CABG) for which he has been given 16.4.2018 as the date of operation.

On the last date of hearing, the learned State counsel was asked to verify about the date of operation from Dr. T.S. Kler.

Learned State counsel has informed the Court that the date of operation has been confirmed on telephone by the Superintendent, District Jail, Kurukshetra and also verified from Vishal Chibber, Deputy Superintendent,

District Jail, Kurukshetra.

In view of the aforesaid facts and circumstances, it is clear that the petitioner is going to be operated on 16.4.2018 by Dr. T.S. Kler, Chairman, PSRI Heart Institute, Nerw Delhi, for which he would require to be released from jail on parole. Although the petitioner has prayed for parole for 16 weeks as it is submitted that he had to remain hospitalized for controlling the diabetes and also for sometime for post operative care but learned State counsel has submitted that period of 16 weeks is too long and a period of 6 weeks would be sufficient in this regard.

After hearing learned counsel for the parties, I am of the considered opinion that the petitioner deserves to be released on parole on the medical ground for the purpose of undergoing the aforesaid operation which is now fixed for 16.4.2018 and for that purpose the petitioner is granted 8 weeks parole from the date he would be released from the jail.

It is made clear that in case the petitioner is required more medical attention on the advised of the doctor, he may apply for extension of the parole as well.

The petitioner is directed to be released on parole on his furnishing bail bonds to the satisfaction of District Magistrate, Kurukshetra. He is further directed to surrender to the Jail authorities after the period of parole expires.

The present petition is allowed.

(RAKESH KUMAR JAIN)
JUDGE

3.4.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No