

CWP-7853-2019

[1]

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

**CWP No.7853 of 2019 (O&M)
Date of decision: April 01, 2019**

Kuljinder Singh Sidhu

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Manpreet Singh, Advocate
for the petitioner.

Ms. Samina Dhir, AAG, Punjab.

HARINDER SINGH SIDHU, J.

By filing this petition, the petitioner has sought his release on emergency parole for his medical treatment.

The petitioner is undergoing rigorous imprisonment for life in case FIR No.241 dated 24.11.1998 under Sections 302, 307 and 323 IPC, Police Station Dharmkot, District Moga after his conviction by the Trial Court. His appeal has been dismissed by this Court.

It is stated in the petition that the petitioner had fainted in jail and was taken to hospital, where he came to know that he is suffering from single vessel disease and having 95% blockage of his vessel. Subsequently, he was allowed parole for six weeks from 28.1.2019 to 9.3.2019. During this period he visited Dayanand Medical College & Hospital, Unit - Hero DMC Heart Institute. On examination, the doctors found that his vessel is containing/ blocked with 95% of blockage and regular fluctuating of blood pressure and also suffering from

depression and aggressiveness. He was suggested for immediate treatment. Annexure P-2 dated 25.02.2019 is the certificate of the aforesaid Hospital, whereby, it is certified that the petitioner is having type 2 diabetes mellitus with hypertension with CAD – old anterior wall MI with severe LV dysfunction with EF=28% with single vessel disease (95% stenosis in mid LAD and D2 bifurcation). Patient needs regular medications and follow up every 2 months. In case of emergency (chest pain, shortness of breath), he was advised to seek medical help immediately.

He brought the fact of his medical problem to the knowledge of the authorities but they expressed their inability to help him. As the petitioner was due to surrender on 9.3.2019 before the Jail Authorities he filed the present petition on 6.3.2019.

Learned counsel for the petitioner has argued that the petitioner has availed the concession of temporary release on parole for about 8-10 times. On every occasion, he had surrendered on time. There is no complaint or allegation that he ever misused the concession of parole.

In the reply filed by Superintendent, Central Jail, Ferozepur, it has been stated that the petitioner is not feeling well since long and he had been regularly provided medical aid by Senior Medical Officer of Central Jail, Ferozepur. Along with the reply, medical report of the petitioner is also attached. According to jail hospital record, the petitioner is suffering from diabetes mellitus, hypertension and Coronary heart disease (CAD). Old anterior wall myocardial infection (MI) with severe LV dysfunction with EF = 28% with single vessel disease (95% blockage).

blockage in his vessel. He may even need treatment at a tertiary care hospital.

It is not clear as to whether the petitioner has filed a formal application before the before the Jail authority for release on parole. Ordinarily in such a case the petition would have been disposed of with a direction to the petitioner to move an appropriate application before the competent Authority with a direction to the respondents to consider the same expeditiously in the light of his medical condition, explained above.

However, in the facts of this case considering the critical condition of condition of the petitioner this petition is allowed. It is directed that the petitioner be released on parole for four weeks subject to his furnishing surety bonds to the satisfaction of the District Magistrate/competent authority concerned.

April 01, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No