

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

227

CWP No. 11316 of 2019 (O & M)
Date of Decision : 25.7.2019

Sanjiv Anand

.....**Petitioner**

v.

State of Haryana and others

.....**Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Vibhu Saini, Advocate, for the petitioner

Mr. Sandeep Vashisth, DAG, Haryana

KULDIP SINGH, J. (Oral)

Report from PGI, Chandigarh has been received and taken on record.

The petitioner was granted 3 weeks parole on the orders passed by this Court in CWP No. 7822 of 2019. He was to surrender back to jail on 2.5.2019, however, he approached this Court for extension of parole on the ground that he is suffering from pancreatic cancer. The parole was extended till 9.5.2019. On 9.5.2019 the petitioner was ordered to be checked up from the Medical Board, Ambala and he was directed to appear before Civil Surgeon, Ambala. The Civil Surgeon, Ambala had reported that patient is a case of pancreatic lesion, the nature which is not confirmed and needs further tests. He was referred to Gastro Intestinal Surgery Department for investigation but he refused admission for family reasons. On the request of the petitioner that the tests to determine pancreatic lesion are with PGI, Chandigarh only, he was ordered to be examined by Medical Board, PGI,

Chandigarh. As the petitioner firstly failed to appear before the Medical Board on 9.7.2019 at 9:00 a.m., this Court vide order dated 12.7.2019, directed the petitioner to appear before the Medical Board on 16.7.2019 at 9:00 a.m.

As per the report of PGI, Chandigarh, the petitioner appeared before the Medical Board for investigations at 9:10 a.m. His blood samples were taken. He stated that he is not in a position to pay the investigation charges. These were immediately waived of. He was to undergo investigations including TMT, ECHO, USG abdomen and CT Scan (and also PET CT), if required. However, at 1:30 p.m. the petitioner absconded and did not appear for the said tests. It shows that the petitioner is not willing to undergo these tests.

In these circumstances, it cannot be said that the petitioner is suffering from pancreatic cancer. As such, the present petition is dismissed. For wasting the time of the Court and obtaining extension of the parole, costs of Rs.50,000/-is also imposed on the petitioner.

The petitioner is directed to immediately surrender and sent to the concerned jail. If the petitioner do not surrendered by today evening, he be arrested and sent to the jail

Copy of this order be supplied to the learned State counsel under
Signature of the Bench Secretary for compliance.

(KULDIP SINGH)
JUDGE

25.7.2019
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No