

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 22.08.2019****CWP No.20764 of 2019**

Ajmer Singh through his brother Bittu

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arshdeep Singh Cheema, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner was convicted and sentenced to undergo rigorous imprisonment for varying terms under Sections 302/307/436/427/325/452/201/120-B read with Section 34 IPC vide judgment of conviction and order of sentence dated 10.03.2017/18.03.2017 passed by the learned Additional Sessions Judge, Gurugram.
2. The instant petition on behalf of the petitioner for extension of parole period has been filed by his brother, namely, Bittu as the petitioner is stated to be admitted in ICU for medical treatment.
3. It has been averred in the petition that due to serious health problem the petitioner was moved to the District Civil Hospital, Gurugram by the Jail Authorities on 01.07.2019. However, after examination, the petitioner was referred to PGIMS, Rohtak. Later on, the petitioner was released on parole. On 05.07.2019, he was admitted to Apex Plus Super Speciality Hospital, Rohtak. Since the petitioner was diagnosed with Third Ventricle and Hypothalamus Pilocytic Astrocytoma, which is slow growing

type of brain tumor, he was operated upon on 08.07.2019. Due to some complications, the petitioner again underwent an operation on 15.07.2019 and after that he is still in Intensive Care Unit. Since the petitioner was not in a physical condition to surrender, the instant petition has been filed by the petitioner's brother to further extend the period of parole granted to the petitioner by eight weeks.

4. When this petition came up for hearing for the first time on 27.07.2019 i.e. before the expiry of the parole period, the following order was passed:

“Present: Mr Jitender Kumar on behalf of the petitioner.

--

The lawyers are abstaining from work.

Extension of parole is sought on medical ground.

Notice of motion to State of Haryana.

Copy of paperbook be supplied to learned State counsel during course of day.

State is directed to submit medical report of petitioner on next date of hearing to enable this Court to examine as to whether extension is required or not?

Adjourned to 31.07.2019.”

5. On the adjourned date i.e. 31.07.2019, the work continued to be suspended by the agitating Bar and the case was adjourned for today i.e. 22.08.2019.

6. Today, Mr. Mohunta has filed reply by way of affidavit of the Superintendent, District Jail, Gurgram, which is taken on record. As per the reply, the petitioner was lodged in District Prison, Gurugram since 18.03.2017. At the time of entry into jail, his health was satisfactory. However, he visited Jail Hospital complaining decrease of vision and headache with vomiting on 24.05.2019 and 27.05.2019 respectively. He again visited Civil Hospital on 22.06.2019, where NCCT (Non-Contrast

Computer Tomography) of the Brain was advised and the appointment for NCCT was put for 03.07.2019. However, on 01.07.2019, he was sent to the emergency ward in Civil Hospital, Gurugram with a complaint of slurred speech, facial deviation, suspected facial palsy from where he was referred to PGIMS, Rohtak. Thereafter, the petitioner was granted 04 weeks parole. Regarding the factum of admission of the petitioner, the SHO, Police Station Meham, District Rohtak has reported that the petitioner is presently admitted in Kalawati Hospital, Rohtak. He has also annexed the report of Dr. Puneet Rana to the effect that “patient has been improving, but still has on and off seizures and needs monitoring”.

7. Having heard Mr. Cheema and Mr. Mohunta and taking into consideration the medical condition of the petitioner, I am of the view that on humanitarian grounds the parole period ought to have been extended by a further period of 08 weeks. In taking this view, I also note the conduct of the petitioner’s family inasmuch his brother preferred the instant petition well before the expiry of parole period i.e. 31.07.2019 but the petition got stymied due to suspension of work in court with the lawyers abstaining from work.

8. In view thereof, while allowing the instant petition, the parole period granted to the petitioner till 31.07.2019 is ordered to be extended by 08 weeks on usual terms and conditions imposed by the competent authority. The petitioner shall surrender himself before the Jail Authorities on 30.09.2019 before 4.00 PM.

9. Petition stands allowed accordingly.

22.08.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No