

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 03.09.2019****CWP No.23047 of 2019**

Sumit

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Amanpreet Kaur Sabharwal, Advocate, for
Mr. Deepinder Brar, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 302/34 IPC and Section 25 of the Arms Act in case FIR No.207 dated 02.06.2014 registered at Police Station City Sonapat, District Sonapat vide judgment of conviction and order of sentence dated 10.08.2018/16.08.2010 passed by the Additional Sessions Judge, Sonapat.

2. The instant petition has been filed by the petitioner seeking directions to the respondents to release him on emergency parole for a period of four weeks to attend to his ailing mother. Petitioner claims that his mother is suffering from breast cancer (4th stage) and doctors have given up on the case and have informed the family members that her case is beyond treatment, the cancer being at the last stage. Death, sooner or later, is inevitable because of the nature of the malady.

3. Today in compliance of the interim order dated 28.08.2019, Mr. Kapil Bansal, DAG, Haryana has filed the reply on behalf of the

respondents, which is taken on record. Apart from mentioning 07 criminal cases, which are either pending or decided against the petitioner, the State has also submitted the discharge summary/present medical status report of Sushma Devi (mother of the petitioner) to the effect that she is diagnosed with '*metastatic carcinoma left breast staged IV (bone+liver) T4cN3b M1, ER/PR positive, Her2Neu Negative, presently vitals stable*'. It is further pointed out that the disease is incurable.

4. No doubt, the petitioner is involved in many criminal cases, but having heard learned counsel for the parties and taking into consideration the medical condition of the petitioner's mother, I am of the view that the presence of the petitioner is required to administer to the ailing mother on humanitarian grounds being an emergency situation as she is suffering from breast cancer (4th stage).

5. In view thereof, the petition is allowed and the respondents are directed to release the petitioner on emergency parole for four weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and that the temporary release is not misused.

6. Petition stands allowed accordingly.

7. A copy of this order be supplied to the learned counsel for the petitioner under the signatures of the Bench Secretary.

03.09.2019

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

Whether speaking/reasoned:

Yes

Whether Reportable:

Yes/No