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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 978/2020**

VIKRAM

..... Petitioner

Through Ms.Neha Kapoor, Adv.

versus

THE STATE (GNCT OF DELHI)

..... Respondent

Through Ms.Richa Kapoor, ASC.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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02.09.2020

The hearing has been conducted through video conferencing.

CrI. M.A.12100/2020

1. Present application has been filed under section 482 Cr.P.C. for grant of parole to the applicant in pursuance to FIR No.611/01 registered at Police Station Badarpur for the offences punishable under section 302/364A IPC.
2. Vide order dated 02.07.2020, while dismissing the petition to grant parole directed the jail authorities concerned to get the applicant examined at AIIMS and upon examination, if the said institute is of the opinion that applicant is required to undergo surgery, the same shall be done without further delay.
3. Accordingly, applicant was taken to AIIMS on 25.08.2020 i.e. after a delay of almost 2 months whereupon he was given date of surgery as 05.01.2021 on account of the COVID situation completely ignoring the pain he has been bearing on account of his medical condition i.e. stone in thoracic

duct.

4. As stated by counsel for the applicant, the applicant is unable to eat because of the said condition.

5. Learned Standing Counsel for State submits that if the applicant wishes to get treatment from the hospital of his choice, the Parokar/relative of the applicant shall get the date of surgery and he can be sent to said hospital for treatment under custody.

6. At this stage, learned counsel for the applicant submits that she will take date for examination of the applicant for the purpose of surgery and communicate the same to the jail superintendent.

7. Accordingly, Jail Superintendent, on receipt of appointment of date from the hospital Saroj Medical Institute, 78B, Sector-19, Rohini, Delhi-110042, shall take the applicant under custody to the said hospital as per advice of the doctor concerned. In case any date is fixed for surgery, the Jail Superintendent, shall, accordingly, get the petitioner admitted over there and if post-surgery treatment is required, the same shall be availed at the same hospital.

8. It is hereby made clear that the expenses shall be borne by the applicant as agreed by his counsel on instructions from his Parokar.

9. Copy of this order be transmitted to the Jail Superintendent concerned for information and necessary compliance.

10. In view of above, the application is disposed of.

11. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 02, 2020/ab