

In the High Court of Punjab and Haryana at Chandigarh

CRWP No. 4873 of 2021

Date of Decision: 11.8.2021

Dinesh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Neelam, sister of the petitioner, in person.

None for the respondents.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Article 226/227 of the Constitution of India for grant of emergency parole to the petitioner under Section 3(1)(a) of the Haryana Good Conduct Prisoner's (Temporary Release) Act, 1988 on medical ground as he is suffering from Carcinoma (Cancer).

It has been averred in the petition that the petitioner had been convicted and sentenced to undergo life imprisonment under Sections 148, 302, 307, 465, 468, 471 read with Section 149 IPC and Section 506 IPC vide judgment/order dated 3.2.2014/10.2.2014 passed by the learned Additional Sessions Judge, Jagadhari. Aggrieved against the said judgment/order the petitioner preferred an appeal in the High Court bearing No. CRA-D-580-DB-2014, which was dismissed on 10.11.2017. It has also been averred that the jail authorities got examined the petitioner from PGIMS, Rohtak, where the petitioner was declared to be a patient of

Carcinoma (Cancer) and now he is being treated by the doctors in Jail Hospital/dispensary and due to Covid-19, he has not been taken to the hospital at Rohtak.

As per the reply dated 07.7.2021, filed by the State, on 10.3.2021, the petitioner was referred to Dental OPD/PGIMS Rohtak, as he was having complain of pain, tenderness and limited mouth opening on lower left side of buccal mucosa since 10-15 days and on 18.3.2021, he was advised Biopsy for confirmatory diagnosis. Thereafter the petitioner was again referred to PGIMS, Rohtak on 07.4.2021 and 15.4.2021 where he was advised Incisional Biopsy on 20.4.2021 and as per the Biopsy report, the petitioner was found to be suffering from Carnicoma (a type of oral cancer).

Along with reply, the State has also filed the Dental Report Status issued by Dental Surgeon, District Jail, Gurugram (Bhondsi) dated 30.6.2021, as per which, the petitioner was having squamous cell Carnicoma (a type of oral cancer) and he was advised radiation therapy and the last radiation therapy of the petitioner was conducted on 29.6.2021 at PGIMS, Rohtak. The petitioner was again called after one month at Oncology Department and Dental OPD for follow up.

A perusal of the custody certificate, already on record, shows that the petitioner has undergone about 11 years of actual sentence.

As a consequence of the above discussion, the petitioner is ordered to be released on parole for a period of four weeks w.e.f. 12.8.2021 to 11.9.2021 to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the jail Manual towards the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release on

parole is not misused.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

August 11, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No