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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1648-2022 (O&M)
Date of Decision:11.03.2022

Rajinder Kumar

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Samra, Advocate for the petitioner.

Mr. Vijesh Sharma, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner Rajinder Kumar (convict) has filed this writ petition under Article 226 Constitution of India for issuance of writ in the nature of mandamus directing respondents to release him on parole for a period of six weeks, who is confined in prison pursuant to his conviction in FIR No.11 dated 18.01.2002, registered under Sections 420, 467, 468, 471 and 506 IPC, at Police Station Panjokhra.

Learned counsel for the petitioner has argued that the petitioner faced prosecution and case FIR No. 11 dated 18.01.2002, registered under Sections 420, 467, 468, 471 and 506 IPC, at Police Station Panjokhra, who was acquitted by the trial Court vide judgment dated 02.09.2009, but the said decision was reversed by the Appellate Court vide judgment dated 25.09.2012 and was sentenced to undergo imprisonment for three years. Feeling dis-satisfied with the said judgment of conviction, the convict preferred criminal revision bearing No.3410-2012 and decision of Appellate

Court was upheld on 28.09.2016. According to him, during the pendency of

the revision, his sentence was suspended, however, as the final decision of the revision petition was not in his knowledge, therefore, he could not surrender and was taken in custody in October, 2021. Learned counsel has further stated that the validity and correctness of the decision passed by this Court in CRR-3410-2012 is yet to be finalized as SLP is pending before the Hon'ble Supreme Court. He has also invited the attention of the Court to the medical record of the petitioner (Annexure P-1) and submitted that the convict is not keeping good health, therefore, he be released on parole, as his request made through the representation (Annexure P-2) has not been decided so far by the competent authority.

In response to the notice of motion order dated 23.02.2022, reply by way of affidavit of Lakhbir Singh Brar, Superintendent Central Jail, Ambala has been filed, wherein the report of the Medical Officer, Central Jail, Ambala is appended as Annexure 1, which reads as under:

- “1. That the CT prisoner patient namely Rajinder s/o Amar Nath is k/c/o Diabetes Mellitus Type-II, Hypertension, CKD (Chronic Kidney Disease as well as CAD) (Coronary Artery Disease).*
- 2. That the said prisoner patient is undergoing his treatment from GMCH-32, Chandigarh, Heart Centre, Civil Hospital Ambala Cantt. as well as Rotary Ambala Cancer and General Hospital, Ambala Cantt.*
- 3. That the said prisoner patient is on regular medications for aforesaid diagnosis from above mentioned Higher Medical Institutes.*
- 4. That besides aforesaid ailments, the said prisoner patient is also suffering from old age health ailments.*
- 5. That the said prisoner patient was referred to GMCH-32, Chandigarh on dated 09.02.2022 with complained of numbness of hand and lower limb right side, for which he was prescribed medicines by Specialist Doctors of the same Higher Medical Institute.*
- 6. That due to his aforesaid diagnoses as well as his old age health ailments, the said prisoner patient was admitted in H-1 Ward of Jail Hospital on more than 25 days for his better care, treatment and for further management to the till date.*
- 7. That the said prisoner patient is also being provided extra diet as per Jail Manual recommended by Medical Officer*

and duly approved by the Superintendent of this Central Jail Ambala for early recovery from deteriorating of his physical health condition considerably.

8. That all the aforesaid information is based on availability of Medical Treatment Record of said prisoner patient available at Central Jail Hospital, Ambala.”

Learned State counsel has argued that the petitioner is given proper diet and medicines and in fact, no request for his release on parole has been received by competent authority, much less the representation by his son. According to learned State counsel, as the petitioner is involved in number of other cases detailed in para No.4. of reply, he is not entitled to the relief.

After hearing the learned counsel for the parties, this Court finds that the petitioner is 68 years old, who is suffering from various ailments and as per the medical report also, proper medication and diet are being given to avoid his deterioration of health condition, therefore, considering the above, the petition is allowed and it is ordered that the petitioner be released on parole for a period of four weeks, subject to his furnishing the requisite bonds to the satisfaction of CJM/Duty Magistrate concerned. The petitioner is directed to surrender himself before the concerned Jail Authorities on 11.04.2022 before 05.00 p.m.

11.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No