

**(223) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-2699-2022

Date of Decision: 29.03.2022

Anup @ Foji

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana
Mr. Saurabh Mago, A.A.G. Haryana.

RITU BAHRI, J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India read with Section 3 (1) (c) of the Punjab Good Conduct Prisoner (Temporary Release) Act, 1962 for issuance of directions to the respondents to release him on parole for a period of at least 40 days for getting treatment/operation of his wife which is advised by the doctor to be done immediately.

2. Reply by way of affidavit of Superintendent Jail, District Jail, Jind dated 28.03.2022 and a verification report by way of additional affidavit of Additional Superintendent of Police, Meham, District Rohtak dated 27.03.2022 have been filed in Court today and the same are taken on record.

3. As per the verification report dated 27.03.2022, it is submitted

that on verification, Doctor has disclosed following facts that:

“(a) Patient Usha 27 years female resident of Karsola, Jind came to Orthopedic OPD with complaints of pain in right hand with swelling with history of previous surgery.

(b) X-Ray showed implants in situ (forearm plates)

(c) Patient had no signs of infection.

(d) Patient may be operated (as advised in OPD card) but surgery is an elective surgery not an emergency surgery.

(e) Patient at present is not admitted in hospital.”

The report of the doctor is attached as Annexure R-1 along with the verification report.

4. It is further submitted that as per inquiry from a respectable person of the village, Karsola, District Jind, the wife of the petitioner namely Usha is residing in village Karsola, District Jind and has suffered injury on her hand and her operation is to be performed and there is no one to look after her. The said statement is attached as Annexure R-2 along with the verification report.

5. Moreover, as per the reply filed by way of affidavit of Superintendent Jail, District Jail, Jind, dated 28.03.2022, Usha wife of petitioner Anup @ Foji son of Samunder is presently residing in village Karsola, P.S. Julana, District Jind. It is evident from Annexure R-II of the reply that Usha is living alone in the house and parents of her husband have already expired. Wife of the petitioner has already undergone surgery earlier. As per the report of the Doctor, wife of the petitioner come to Orthopaedic OPD with complaints of pain and heaviness in right hand with history of previous surgery, x-rays showed implant in situ (right forearm). She had no signs of infection. She may be operated for implant removal but surgery is elective and not an emergency surgery. She at present is not

admitted in hospital.

6. It is further stated in the reply that the petitioner was convicted on 22.08.2019 by the Additional Sessions Judge, Rohtak and he falls under the category of Hard Core Prisoner as per Haryana Govt. Parole Act Para 2 (aa) (2) and has not completed 05 years imprisonment as per para 2(2) of Parole Act 2015 as reproduced in paragraph 6 of the reply.

7. Since in the present case wife of the petitioner is not admitted and surgery is elective, no ground is made out to release the petitioner on parole.

Accordingly, this petition is dismissed.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

29.03.2022
rajeev

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