

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.2992 of 2021
Reserved on: 25.02.2022
Pronounced on: 29.03.2022

Amit Kamboj

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Yadav, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

Challenging the order dated 8.1.2021 (Annexure P-5) of rejection of his premature release, the petitioner-convict has come up before this Court under Article 226/227 of the Constitution of India read with Section 482 CrPC by filing the present writ petition.

State has filed its response to the petition. Learned counsel appearing for the State submits that the petitioner is a habitual offender with criminal history. It has been specifically mentioned that as many as 25 FIRs were registered against him.

A perusal of impugned order (Annexure P-5) also refers to 25 FIRs registered against the petitioner and on this ground, premature release application of the petitioner was rejected by Additional Chief Secretary, Government of Haryana and his premature release was deferred for three years. Although the reason for deferment was that the premature release of any convict is the privilege granted by the State to the convict and it is for the State to exercise its executive/discretionary powers after considering each case in the background of relevant factors. However, the competent person forgot to look into one material aspect in the matter. One of the reasons for seeking premature release of the petitioner is his '*nasal bone fracture with displaced fragments*' and thus, he wants to get himself treated from a good hospital and for that reason, he seeks premature release. Thus, either the State Government should have provided him the medical facilities from a good hospital or permitted him to avail medical facilities at his

own cost from a private hospital. The matter could not have been left without redressal.

Given above, the impugned order dated 29.01.2021 (Annexure P-5) is set aside to the extent the petitioner was denied premature release for medical reasons. Accordingly, the competent person shall reconsider the matter for premature release of the petitioner in the light of his medical conditions, as mentioned in the writ petition and pass a reasoned order in accordance with law at the earliest but not later than 10 working days from today. This petition is closed with liberty reserved to the petitioner to approach this Court again in case of any grievance.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 29, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.