

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No. 4605 of 2022
Date of decision: 23.05.2022

214

Ramesh @ Tinu

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Deepak Kumar, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed for release of the petitioner on parole for a period of 8 weeks under the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 read with Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. The said prayer has been made on account of the fact that his father is seriously ill. Challenge has been raised to the order dated 29.04.2022 (Annexure P-3) whereby, the emergency parole of the petitioner has been declined.

A perusal of the order passed by the Superintendent of Prison, District Prison, Gurugram (Annexure P-3) would go on to show that it is admitted that the power as such is there under Section 5(1)(2) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 on the ground that if the family member of the prisoner is seriously ill, he is liable to be granted the said benefit. However, by misreading the report as such of the Doctor, the denial has been made.

A perusal of the report would go on to show that the father of the petitioner is admittedly taking chemotherapy for treatment of cancer of oropharynx and the disease is at Stage IV. The certificate given by the Doctor reads as under:-

“To whom it may concern

This is regarding patient Mr. Jagdish age 54 yrs 8 months UHID AFB000148621. Patient is a known case of cancer of oropharynx with recurrence of disease.

- 1) Mr. Jagdish is taking treatment at our hospital – Chemotherapy.*
- 2) At present he is not admitted at out hospital. Last admission on 18/05/2022. Next admission due on 25/05/2022 for chemotherapy.*
- 3) Present medical condition is not good as it is stage IV (advanced disease), but he is not seriously ill.*
- 4) He is not adviced for any operation at present.”*

Custody certificate dated 22.05.2022 of the petitioner which has been filed by the State today, which is taken on record, would show his actual undergone period as 3 years, 4 months and 21 days. Custody certificate further shows that the petitioner has not availed parole during this period against the life imprisonment awarded to him under Section 302 IPC. The said certificate would also go on to show that there is no other criminal case registered against him.

In such circumstances and keeping in view the fact that the father of the petitioner is suffering from a fatal disease and undergoing chemotherapy and requires the assistance of his son at his bed side at this point of time, we are of the considered opinion that the petitioner is liable for the benefit of parole.

Accordingly the order dated 29.04.2022 (Annexure P-3) is quashed. The petitioner be released on parole for a period of 8 weeks subject to the satisfaction of the competent authority. The petitioner shall surrender back with the Jail Authorities on the expiry of the said period.

(G.S. SANDHAWALIA)
JUDGE

23.05.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No