

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

CRWP No.2901 of 2023 (O&M)
Date of decision : March 27, 2023

Sunil **... Petitioner**
Versus
State of Haryana and others **... Respondents**

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Prateek Rathee, Advocate for petitioner.
Mr. Anmol Malik, DAG Haryana.

HARINDER SINGH SIDHU, J.

Sunil – petitioner has been convicted and sentenced to undergo life imprisonment vide judgment and order dated 30.11.2022/05.12.2022 passed by the Ld.Sessions Judge, Hisar in case FIR No.116 dated 04.02.2018 under Section 302 read with Section 34 IPC, Police Station City Hisar.

In this petition, he has assailed the order dated 20.03.2023 (Annexure P-3) passed by Respondent No.4 – the Superintendent, Central Jail-I, Hisar, whereby, his request for grant of Emergency Parole has been declined stating that the facts do not entitle him for the same, as per rules.

Mr. Prateek Rathee, Ld. counsel for the petitioner has submitted that on 09.03.2023 at about 6.00 PM, Sonia Saini, wife of the petitioner, sustained head injury after fall from bike at Hisar. She was taken to Maharaja Agarsen Civil Hospital, Hisar, from where, she was referred to Advanced Care Centre, Khalsa Hospital, Hisar. Reference has been made

to OPD Slip, NCCT Head Report and Medical Certificate (*colly* Annexure P-1). It was in this background that the petitioner applied for his release on emergency parole, which has been declined vide the impugned order.

It is argued that the petitioner had solemnized marriage with Sonia against the wishes of his parents and his in-laws. Thus, there is no support to Sonia from any quarter. The petitioner is the only person, who has to arrange finance for her future treatment and recovery.

Reply has been filed by respondent No.4 stating that the facts were got verified through SHO, Police Station HTM, Hisar, who submitted the report of concerned medical officer regarding condition of Sonia, wife of the petitioner. The doctor has stated in his first report dated 13.03.2023 (Annexure R-1) that Sonia is admitted in Khalsa Hospital, Hisar from 09.03.2023 at 10.26 PM in emergency condition with complaint of head injury, comminuted depressed fracture of frontal bone on right side, soft tissue scalp swelling with hematoma formation in the right frontal and temporal regions and patient is on conservative treatment for above mentioned complaints. The report was counter-signed by Civil Surgeon, Hisar, but it did not state about seriousness of the patient. Another report dated 16.03.2023 was submitted by the Civil Surgeon, Hisar and the facts were verified from the Doctor of Khalsa Hospital, Hisar, who reported on 18.03.2023 that the condition of the patient has improved and she was shifted to room. She was stable and fit for discharge.

Along with reply, a fresh report dated 25.03.2023 regarding the condition of the wife of the petitioner given by Amandeep Hospital, Hisar

has been submitted, which states that “*MRI head findings are due to depressed comminuted fracture noted in right temporal bone. Tiny bony fragments are lying in and around the fracture site. Subcutaneous Hyperdense contents are noted over right temporal region. Its maximum thickness is 5.4 MM. A hyperdense lesion measuring 7.3 MM is seen in right temporal lobe in Subcortical Region – likely calcified granuloma. Fracture of right temporal bone injury comes under grievous category. Head injury comes under moderate injury and managed conservatively. Patient admitted in ICU and general condition fair and patient on conservative treatment for above mention complaints. At present patient is conscious and obeying command, accepting orally.*”

Section 5(1) of the Haryana Good Conduct (Temporary Release) Act, 2022 (for short hereinafter referred to as 'the Act') specifies the conditions wherein, a convict can be granted Emergency Parole, which reads:

“5(1) The competent Authority shall grant emergency parole to a convicted prisoner subject to such conditions and procedure as specified under Section 11 and 12. Emergency parole shall be granted to a convicted prisoner any time irrespective of the period of sentence undergone by him if a family member of convicted prisoner's family has died or is in serious condition or the convicted prisoner himself is in serious condition.”

A cumulative reading of the documents of medical history, which includes the OPD Slip dated 09.03.2023 issued by the Maharaja Agarsen Civil Hospital, Hisar, which states that Sonia was taken to the

Hospital after a road-side accident on 09.03.2023 at 6.00 PM on Hisar Bypass road; report of NCCT Head; Admission Certificate dated 10.03.2023 of Khalsa Hospital (*Colly* Annexure P-1); Admission Certificate dated 13.03.2023 of Khalsa Hospital (Annexure R-1); Admission Certificate dated 18.03.2023 of Khalsa Hospital (Annexure R-2) and Admission Certificate dated 20.03.2023 of Amandeep Hospital (Annexure P-4) reveals that the wife of the petitioner has suffered serious injuries which necessitate proper care and treatment both in the hospital and on discharge.

Section 11 of the Act provides that the emergency parole shall be granted to the convicted prisoner anytime and the validity period of such parole warrant shall be for fifteen days from the date of issuance of the order.

Accordingly, the petition is allowed. The impugned order dated 20.03.2023 (Annexure P-3) is quashed. The respondents are directed to release the petitioner on emergency parole for a period of **fifteen days** subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of the parole period.

(LALIT BATRA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

March 27, 2023

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No