

Ramesh @ Mesha... Petitioner

Versus

State of Haryana & Others.
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. K.L. Saini, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

Instant application has been filed under Article 226/227 of the Constitution of India, read with Section 482 Cr. P.C and Section 3(1)(a) and (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 with a prayer to release the petitioner on parole or interim release for three weeks, convicted in FIR No. 260, dated 07.09.2020 under Section 21(b), 29 of the NDPS, Act, Section 14 of the Foreigner Act, 1946, registered at Police Station Uchana, District Jind. The conviction of the petitioner in the aforesaid FIR is as under:

Name of Convict	Convicted under Section	Sentence imposed	In default of payment of fine.
Ramesh alias Mesha	21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.	Rigorous Imprisonment for a period of 8 years and fine of ₹ 80,000/-.	Further undergo Simple Imprisonment for a period of one year.

2. Learned counsel for the petitioner inter alia contends that the petitioner is behind bars and has spent a considerable time in jail and is suffering from stomach infection and he has to be hospitalized. He submits that the petitioner requires proper diet and care. He further submits that mother of the petitioner is old aged and senior citizen and wants to meet her son. Learned counsel for the petitioner cited the judgment passed in **CWP No. 5594 of 2018 titled as Deepak vs. State of Haryana and others, Law Finder DocId# 1038271** and prayed for temporary release of the petitioner.

3. On the other hand learned counsel for the State filed reply dated 26.08.2023 submitted by Superintendent of District Jail, Jind, wherein it has been submitted that petitioner had undergone 01 years, 02 months and 10 days of actual sentence (including under trial period). She further submits that petitioner is being treated well and medicines have been provided and as per latest medical certificate issued by Medical Officer District Jail, Jind (Annexure R-II) petitioner is fine and all vitals are stable. Learned State counsel opposed the Parole by stating that as per Para No. 3(3) of the Parole Act of 2022 “Convicted Prisoner who have not completed one year of sentence after conviction shall not be eligible for regular Parole.” She submitted that the petitioner is being provided the best medical treatment from Post Graduate Institute of Medical Sciences, Rohtak and also from specialist Doctors of Civil Hospital Jind and has been provided special diet as prescribed by the Doctor and as such no case is made out for grant of parole.

4. Arguments advanced by learned counsel for the parties have been heard.

5. After considering the rival contentions and perusing the record, it transpires that petitioner was convicted on 24.01.2023 by the Court of Additional Sessions Judge, Jind and sentenced to undergo rigorous imprisonment for a period of 8 years and to pay fine of ₹80,000/- and in default of payment of fine to further under go simple imprisonment for a period of 1 year. As per custody certificate he had undergone 01 year, 02 months and 10 days of total period including 06 months and 28 days after conviction. As per Para No. 3(3) of the Parole Act of 2022 “Convicted Prisoner who have not completed one year of sentence after conviction shall not be eligible for regular Parole.”

6. In the present case the petitioner had sought temporary parole on medical grounds. However, from the reply furnished by Jail Superintendent along with the medical report, it is observed that petitioner had been complaining of the stomach infection on various occasions and he had been provided the medical treatment from Civil Hospital as well as Post Graduate Institute of Medical Sciences, Rohtak and during his treatment all his medical tests, ultrasound etc. were got conducted and ultimately he was diagnosed with Pulmonary Abdomen TB during his treatment at Post Graduate Institute of Medical Sciences, Rohtak from 24.06.2023 to 03.07.2023 when he was discharged and thereafter, as per the medial advice he is provided with extra diet of milk, daliya, fruits, eggs etc. in the jail. It is reported that at present the petitioner is provided with medicines and is on complete course of the prescribed medicines for his treatment. The petitioner was even taken to Post Graduate Institute of Medical Sciences, Rohtak on 14.07.2023 and 08.08.2023 for follow up and he is responding well and at present the condition of petitioner is fine and his vitals are stable and well

oriented to time place and person.

7. Faced with the exhaustive reply given by the Superintendent Jail regarding the medical condition of the petitioner, the learned counsel for the petitioner could not satisfy as to where from the petitioner intends to get better treatment than the same being provided to him by the Jail authorities, by taking benefit of Parole. Moreover, as per the report of the medical officer the condition of petitioner is fine and his vitals stable, well oriented to time place and person and he is being taken care of by the medical officers of the Civil Hospital and also taken to Post Graduate Institute of Medical Sciences, Rohtak for follow up, so in these circumstances no ground is made out for grant of parole to the petitioner at this stage.

8. In the light of the aforesaid circumstances, finding no merits in the application, the same is hereby dismissed.

(SANJIV BERRY)
JUDGE

31.08.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No