

2023:PHHC:128408-DB

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7982-2023
Date of Decision :04.10.2023

PRINCE ...Petitioner

Versus

STATE OF HARYANA AND OTHERSRespondents

Coram : Hon'ble Mr. Justice Anupinder Singh Grewal.

Hon'ble Mr. Justice Lalit Batra.

Present : Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Anant Kataria, Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J. (Oral)

[1] The petitioner is seeking a direction to the respondents to release him on emergency parole for a period of 04 weeks to attend to his medical needs arising out of his diagnosis of Hemorrhoids.

[2] Learned counsel for the petitioner submits that the petitioner is 28 years of age and is suffering from dental caries, abdominal pain and hemmorhoids and had been treated in the jail hospital but his condition has not improved. He further submits that the petitioner be released on parole for a period of 04 weeks. He further submits that the petitioner has been convicted in FIR No.185 dated 02.06.2019 under Sections 120-B, 201, 212, 302, 307 and 506 IPC and Sections 25 and 29 of Arms Act, registered at Police Station Naraingarh, District Ambala and has been sentenced to undergo imprisonment for life. He further submits that the petitioner is involved in other cases but he has been convicted in most of them and is on

bail in the pending cases which include cases under Sections 25 and 29 of the Arms Act and Section 42-A of the Prisons Act. He further submits that the petitioner had used a mobile phone while in custody and therefore, case under Section 42-A of the Prisons Act has been registered against him.

[3] Learned State Counsel has filed the medical status report by way of an affidavit dated 03.10.2023 of Amit Kumar, Superintendent of Prison, District, Prison, Karnal along with Annexure R/1 which is taken on record. He while referring to the affidavit submits that petitioner had been taken to the Kalpana Chawla Government Medical College and Hospital, Karnal and was also referred to PGIMS, Rohtak for specialized treatment. Petitioner had to be operated upon but he had refused to give consent.

[4] At this stage, learned counsel for the petitioner submits that post-operative care would be necessary and therefore, the petitioner may be released on parole to enable him to undergo the procedure.

[5] The petitioner is suffering from Hemorrhoids Grade II. The relevant extract from the affidavit filed by the Superintendent of Prison with regard to medical condition of the petitioner is reproduced hereunder:-

“On dated 01.09.2023 Medical Board was established in KCGMCH KARNAL in which Patient is diagnosed with GRADE II internal Hemorrhoids at 3” O clock position and GRADE I internal Hemorrhoids at 11”Oclock Position. The Medical Board reported “There is no acute symptoms to manage the patient as an emergency case” and advised for CBC, COLONOSCOPY & CECT whole ABDOMEN & to review with reports.

According to Medical Board of KCGMCH KARNAL Doctors advised the patient to CBC, COLONOSCOPY & CECT,

WHOLE ABDOMEN. On dated 04.09.2023 Prison medical officer referred the patient to PGIMS ROHTAK in SURGEON OPD for CBC, COLONOSCOPY & CECT, WHOLE ABDOMEN there specialist doctors of PGIMS ROHTAK asked the patient to come on NEXT OPD UNIT on every Tuesday & Friday. After that Patient did not come to Hospital OPD for follow up. On dated 12.09.2023 & 22.09.2023 Prison medical officer referred the patient to PGIMS ROHTAK in surgeon OPD but Police guard was not available on both days.”

[6] The petitioner has undergone a sentence of 03 years and 01 month but has not been considered eligible for release on parole as he was found using a mobile phone while in custody which disentitled him for release on parole till he completes a sentence of 05 years from the date of subsequent offence.

[7] In view of the medical condition of the petitioner who has been advised to undergo medical procedure, we deem it appropriate to grant him parole for a period of one month. Consequently, the petition is allowed. The petitioner shall be granted parole for a period of one month from the date of his release subject to his furnishing requisite surety bonds to the satisfaction of the competent authority.

(ANUPINDER SINGH GREWAL)
JUDGE

(LALIT BATRA)
JUDGE

04.10.2023
d.gulati

Whether speaking/reasoned: *Yes/No.*
Whether reportable *: Yes/No.*