

CRWP-9784-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9784-2023 (O&M)

Date of decision: October 06, 2023

Vikash Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Randeep S. Dhull, Advocate for petitioner.

Ms. SvaneelJaswal, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

The petition herein is under Article 226/227 of the Constitution of India, read with Section 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereafter referred to as the 'Act of 2022'). It seeks to direct the respondent/State to extend the time period of temporary release on parole for the petitioner for another eight weeks, as requested by the petitioner in an application dated 28.09.2023 (Annexure P-1).

2. Petitioner is a life convict in FIR No. 168 dated 21.05.2009, under Sections 120B, 302, 148 read with Section 149 of the Indian Penal Code, 1860 (hereafter referred to as 'IPC') and Section 25 of the Arms Act, 1959 (hereafter referred to as 'Arms Act'), registered at Police Station Sadar Bahadurgarh, District Jhajjar. The petitioner had previously filed an appeal against the conviction order through CRA-16-DB-2012 with main MRC-1-2012, which was disposed of by an order dated 18.07.2014. Currently, the petitioner is serving his sentence in District Jail, Jhajjar.

3. Learned counsel submits that the petitioner has maintained good conduct in jail while serving his sentence. He has regularly appeared before the trial court and has never misused the concession of parole/furlough granted to him on earlier occasions, always surrendering back to custody on time.

3.1. Furthermore, learned counsel states that the petitioner was temporarily released on regular parole on 08.09.2023, which is set to expire on 07.10.2023, a duration

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of 28 days (4 weeks). This parole was primarily granted due to his younger brother having suffered a serious accident resulting in a brain injury. After undergoing cranial surgery, the doctors diagnosed that the injured had lost his recent memories and was unable to perform daily tasks. The prognosis indicated a need for an extended period of rest for recovery. Medical records of the petitioner's younger brother are enclosed in Annexure P-3.

3.2. Additionally, while the petitioner was on leave during regular parole, his elderly mother, aged 68 years, suffered a sudden cardiac arrest. The petitioner immediately admitted her to the hospital, where doctors diagnosed her with severe distress and constant hypothyroidism, leading to the cardiac arrest. The medical staff followed the ACLS protocol, incubated her, administered life-saving drugs, and put her on mechanical ventilation to stabilize her condition. She is currently in the ICU undergoing treatment, requiring the petitioner's presence to attend to her needs. Medical treatment and diagnostic records of the petitioner's mother are provided in Annexure P-2.

3.3. The petitioner submitted an application to respondent No.4, seeking an extension of his parole. However, respondent No.4 verbally rejected the application, stating that there is no provision in the Act of 2022 to increase the parole period of convicted prisoners. The request was declined without issuing a formal order.

3.4. Furthermore, the Gram Panchayat of Kheri Jasaur, District Jhajjar, has issued a report dated 28.09.2023 (Annexure P-4), certifying the petitioner's praiseworthy conduct in the village. The report confirms that he has not disrupted public peace or security during previous parole or furlough leaves and urges an extension of the petitioner's parole leave period."

4. Notice of motion.

5. On advance service of a copy of the petition, the learned State counsel appears. On previous hearing she was asked to get the medical condition of petitioner's mother verified. She submits that the mother of the petitioner is admitted to the hospital and is undergoing treatment at Brahm Shakti Sanjivani Super Speciality Hospital, Bahadurgarh, District Jhajjar. She further submits that out of the total parole period of 10

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weeks, the petitioner has already availed 4 weeks of parole and has 6 weeks remaining. She does not contest that the petitioner has ever misused the concession of parole previously granted to him.

6. I have heard the learned counsel for the parties and reviewed the Court file.
7. The petitioner was recently released on parole for a period of 4 weeks on 08.09.2023 and is scheduled to surrender before the Jail Authorities on 07.10.2023.
8. In view of the medical condition of the petitioner's mother, who is currently admitted and undergoing treatment at Brahm Shakti Sanjivani Super Speciality Hospital, Bahadurgarh, District Jhajjar, the present petition is allowed. The parole period of the petitioner, previously granted on 08.09.2023, which is set to expire on 07.10.2023, is extended for another 6 weeks. The petitioner shall surrender before the competent Jail Authorities upon the expiry of the aforementioned parole period.
9. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 06, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No