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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9819-2023 (O&M)

Date of decision: 18.10.2023

Satish

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Keshav Pratap Singh, Advocate,
For the petitioner.

Mr. Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is to grant the parole period for a period of two weeks, on medical grounds (wife's ailment).

2. Petitioner is a convict in case FIR No.37 dated 10.02.1999, registered under Sections 302, 342, 506, 120-B, read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station, Narnaund, District Hisar. He has been sentenced to undergo life imprisonment.

3. Learned State counsel, at the outset, submits that vide order dated 28.09.2023 (Annexure P-2), the concession of grant of emergency parole to the petitioner for a period of two weeks was declined on the ground that he was earlier released on 21.08.2009 for 6 weeks on parole and was to surrender on 03.10.2009. But he did not surrender on time and a case was registered against the accused FIR No.227 dated 21.10.2009. On 10.05.2023, the accused was arrested.

4. Report was sought from learned State counsel *qua* medical condition of the petitioner's wife.

5. Written statement dated 17.10.2023 along with Annexures R-1 to R-4/T has been tendered in course of hearing, which is taken on record. Copy thereof has been

supplied to learned counsel for the petitioner. Perusal of the report would reveal as below:-

“It is submitted that this office has sent a PTM vide no.9092 dated 16.10.2023 to Incharge Police Station Pillukhera to confirm if Kusum w/o Satish is seriously ill or not and also to confirm if she has to undergo operation of grade-III Haemorrhoid and also if she is admitted in any hospital or not. Please confirm if there is anyone in the family of above said convict to look after her or not. In reply to the above PTM the Incharge has replied vide their office letter dated 16.10.2023. It is confirm that Kusum w/o Satish is admitted in Civil Hospital Panipat Since 23.09.2023 and the doctor at Civil Hospital Panipat have confirmed that the operation of Kusum is planned between 18.10.2023 to 20.10.2023. Also it is confirmed that Satish son aged 15 years and Satish brother live in the same house and are capable of looking after Kusum. Also the Incharge Police Station Pillukhera does not recommend granting of Parole to the accused Satish as the above said accused have been absconded for 12 years after coming on parole in 2009 and the police also have apprehension that the said accused will again abscond if release on parole. Also if he is released on Parole there are chances the accused may indulge in criminal activities. Copy of the report as well as the true of the report submitted by the Incharge police station Pillukhera, District Jind is annexed as Annexure R-4.”

6. In view of medical condition of wife of petitioner, who is currently admitted and undergoing treatment in Civil Hospital, Panipat, present petition is allowed and emergency parole is granted for a period of two weeks from the date of his release. Petitioner shall surrender before the competent Jail Authorities upon expiry of aforesaid parole period.

7. Given the antecedents of the petitioner, as a surety, he is directed to make a demand draft of Rs.20 lac in favour of the Registrar General of this Court, which shall be kept in an interest bearing account and the same shall be refunded upon his surrender on expiry of the parole period. In case of default, amount shall be forfeited to the State.

8. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

18.10.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No