

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRWP-11470-2022 (O&M)  
Date of Decision:-16.05.2023

Ram Chander

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rahul Deswal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner assails order dated 01.12.2022 (Annexure P-2) passed by Superintendent of Prison, District Prison, Jhajjar, vide which his prayer for release on parole on medical grounds has been declined.
2. Short reply by way of affidavit of Amit, Deputy Superintendent, District Jail Jhajjar, has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.
3. Learned counsel for the petitioner submits that the authorities concerned have not considered his medical condition at all while passing the impugned order and that the same has been passed mainly while taking into account his previous conduct when he did not surrender after availing furlough and remained absconding for a period of about 13 years.
4. Learned counsel for the petitioner submits that he has serious neurological and orthopaedic issues and has repeatedly been taken to PGI Rohtak, as would be evident from medical report dated 09.05.2023. It has been

submitted that the condition of the petitioner is deteriorating by the day and as such he wishes to take treatment from some reputed private medical hospital.

5. Opposing the petition learned State counsel has submitted that since the petitioner is being treated from a premium institute of the region i.e. PGI Rohtak, no case for grant of emergency parole is made out.
6. This Court has considered the rival submissions.
7. It is apposite to refer to the latest medical report annexed with the reply filed today as Annexure R-1. The relevant extract of the same reads as follows:

“As patient was being advised surgery by Orthopedic Department, G.H. Jhajjar, patient was referred to PGIMS, Rohtak for same. At PGIMS, Rohtak, patient was being advised for physiotherapy. In January 2023, patient was again referred for follow up and patient was advised MRI whole spine and NCV study (Neurology). MRI spine was suggestive of diffused disk bulge noted at L4-15 and L5-S1 which was mildly narrowing. In February 2023, patient was reviewed by Neurosurgery Department, PGIMS Rohtak and they advised for repeat of MRI for Cervical and Dorsal Spine and to be reviewed by Neurology Department and patient was put on conservative management. Patient underwent CV test and repeated MRI as advised by concerned department. On examination, patient's plantar reflexes were decrease in lower limb and there was thinning of calf level left leg and weakness at ankle planter. In April 2023, patient was reviewed by Neurosurgeon with all the reports and the patient has been advised surgical management for PIVD (Prolapsed Inter vertebral Disc), after review from Neurology Department. In Neurology Department, patient was advised for CEMRI LS Spine and US Abdomen. Patient has been scheduled for CEMRI at PGIMS, Rohtak on 31.05.2023.

Presently patient is being admitted in Jail Hospital. Patient continues to complain of lower back ache and pain in lower limbs alongwith difficulty in walking and sitting. Patient requires strong

analgesics on regular basis. Patient has been advised for Surgery but first patient needs to undergo the investigations which have been advised by concerned departments. For same the patient has been scheduled on 31.05.2023. (Referral records and all OPD records are attached alongwith).”

8. It is also not out of place to mention about the number of visits which the petitioner made during the last one year to Jail Hospital as would be evident from the details incorporated in Annexure R-1 which indicates that the petitioner between the period March 2022 upto May 2023 has visited the Jail hospital as many as 56 times. Another 26 visits during the said period were made to PGI, Rohtak and Civil Hospitals.
9. The aforestated position clearly shows that the petitioner is chronically ill and needs extensive treatment. While it is correct that past record of the petitioner would disentitle him to any discretionary concession but the present case is a case where well-being and health of petitioner is in issue and which would over-ride other considerations and has to be given primacy. The petitioner is found to be having persistent medical issues, which need to be addressed by medical specialists. As such, the petitioner is ordered to be released on emergency parole for a period of 12 weeks subject to his furnishing adequate security to District Magistrate, concerned. It shall be open to District Magistrate, concerned to impose stringent conditions while releasing petitioner on parole.

16.05.2023

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( GURVINDER SINGH GILL )  
JUDGE

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No