

2023:PHHC:164919

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRWP-12045-2023 (O&M)
Date of decision: 21.12.2023

VINOD KUMAR

...Petitioner

V/s

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Bikram Chaudhary, Advocate
 for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (ORAL)

1. Present Criminal Writ Petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to take appropriate decision on the application dated 16.09.2022 (Annexure P-3) and the reminder dated 25.09.2022 (Annexure P-4), submitted under Article 161 of the Constitution of India for the pre-mature release of the petitioner on medical ground as the petitioner is suffering from Liver cancer (3rd Stage) and to release the petitioner on bail till the decision of the representation moved by the petitioner in view of the general directions issued by this Court vide order dated 30.01.2023 (Annexure P-8) passed in COCP No. 2020 of 2022 (Annexure P-8) as the case of the petitioner for pre mature release has not been decided by the competent authority.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is suffering from Liver Cancer 3rd Stage along with kidney ailments. The petitioner is in need of immediate and urgent medical assistance and he is undergoing treatment at PGIMER, Chandigarh.

3. Learned State counsel has filed the status report dated 20.12.2023 by way of affidavit of Satvinder Kumar, Superintendent, Central Jail, Ambala on behalf of respondents and submits that the medical condition of the petitioner is precarious, however, best available treatment is provided to the petitioner at PGIMER, Chandigarh as well as Civil Hospital Ambala City and the medical condition of the petitioner was assessed by Board of doctors. Paragraph 30 of the status report is reproduced hereinbelow:

“30. That the said prisoner patient is admitted in H-1 ward of jail Hospital under observation since dated 06.12.2023 to till date, as the said prisoner patient is diagnosed as a case of Type-II Diabetes Mellitus, Petinopathy, Nephropathy, (CKD-state III), NASH related cirrhosis with decompensation and requires regular follow up from PGIMER, Chandigarh. The said prisoner patient is further scheduled for follow up at PGIMER, Chandigarh department of Hepatology on dated 18.12.2023 i.e. on OPD days.”

Relevant directions issued by this Court in COCP-2020 of 2022 is reproduced hereinbelow:

“b) In case, where a case is recommended three months/six months prior to the date when such a person becomes eligible for consideration to premature release, as per the recommendation made by the Superintendent Jail concerned and no final decision is taken despite lapse of three months/six months, the Chief Judicial Magistrate/Member Secretary, District Legal Services Authority of each District will call upon the family member of such a convict informing them that w.e.f. the date when the premature release of a convict is due as per the recommendation and no final decision/call is taken by the

State Government, the convict will be released on bail subject to furnishing bail/ surety bonds apart from;”

In view of the facts and circumstances of the present case and further keeping in view the serious condition of the petitioner-Vinod Kumar is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

4. Pending CRM-W(s), if any, are also disposed of accordingly. The official respondents are directed to decide the application and reminder i.e. Annexures P-3 and P-4 respectively and take appropriate decision in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

21.12.2023

Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No