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2024.PHHC:146273



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-2100-2024

DECIDED ON: 16.07.2024

ROHIT @ RAMAN @ ROHIT VERMA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sagar Dangi, Advocate for
Mr. J.P. Jangu, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 17.02.2024 (Annexure P-6) passed by respondent No.3, vide which the application has been rejected, which was filed for granting parole to the petitioner for four weeks on account of medical treatment, as he is suffering from disease of shortness of breathing, metabolic acidosis and with Bipap Machine.

2. Learned counsel for the petitioner submits that the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 4 years, under Section 489(c) of IPC vide order dated 28/29.11.2023 passed by learned Additional Sessions Judge, Hisar. Thereafter, he filed an appeal before CRA-S-

3894-2023 against the said judgment, which was admitted and is pending for adjudication.

3. It is further asserted that the petitioner is suffering from serious illness, as he is having difficulty in breathing and, therefore, requires regular treatment from a doctor. To support this contention, he has placed on record medical records of petitioner from Medanta Hospital, Gurugram.

4. It is argued on behalf of the petitioner that he had approached the Jail Superintendent i.e., respondent No.3, who had rejected the parole of the petitioner vide order dated 12.02.2024 (Annexure P-5) without considering the circumstances and health of the petitioner.

5. Per contra, learned State counsel filed a short reply regarding the medical condition of the petitioner by way of an affidavit of Deepak Sharma, Superintendent of Jail, Central Jail-1, Hisar on behalf of respondents, which is taken on record.

6. Perusal of the aforesaid affidavit would reveals that the petitioner has not completed one year imprisonment after conviction, as per provision 3(3) of Haryana Good Conduct (Temporary Release) Act, 2022, which reads as under:-

“3(3) convicted prisoner, who has not completed one year of sentence after conviction shall not be eligible for regular parole”.

7. Heard, learned counsel for respective parties.

8. This Court after going through the reply filed by State of Haryana can infer that the convict/petitioner is suffering from OSA Hypertension and Type-2 diabetes and for this problem, he is regularly been taken to the hospital for medicine opinion and follow-ups.

9. Further the medical report annexed at Annexure R-1 shows that the condition of the petitioner is stable.

10. In the light of above, this Court is not inclined to let petitioner out on parole, as his condition is stated to be stable and regular medical-check up is being provided to him at the Jail Hospital.

11. Hence, the present petition stands dismissed being devoid of any merits.

(SANDEEP MOUDGIL)
JUDGE

16.07.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>