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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4611-2024 (O&M)
Date of decision: May 21, 2024

Amit Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Ravinder Bangar, Advocate for the petitioner.
Mr. Naveen S. Bhardwaj, Additional AG Haryana.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for quashing the impugned order dated 08.05.2024 (Annexure P-1), whereby, respondent No.4, has conveyed to the petitioner regarding rejection of his application seeking extension of period of parole for 06 weeks. Further, a direction to the respondents has been sought to extend the parole period for six weeks.

2. Learned counsel for the petitioner submits that petitioner is a convict in FIR No.226 dated 28.11.2013, under Sections 148, 149, 323, 302 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, and has been sentenced to undergo imprisonment for life. The appeal against the aforesaid conviction is pending before this Hon'ble Court by way of CRA-D-466-2017. Learned counsel further submits that petitioner is already on parole for 10 weeks i.e., from 11.03.2024, and is required to surrender back to the jail authorities on 21.05.2024. He submits that during parole of the petitioner, on 07.05.2024, his mother suddenly fell down and was admitted in the Swami Vivekanand Multispeciality Hospital, Yamuna Nagar. His mother is suffering from severe lower backache, radiating lower limb and knee pain, unable to walk and stand and is facing difficulty in

swallowing and has severe headache and palpitation. He submits that his mother has been diagnosed with uncontrolled diabetes with accelerated HTN with lumbar Spondylosis and need hospitalization for further treatment and investigation, and also complete bed rest.

2.1. Learned counsel for the petitioner further submits that petitioner applied for extension of parole, vide his application dated 08.05.2024 (Annexure P-3). He submits that respondent No.4, vide letter dated 08.05.2024 (Annexure P-1), conveyed to the petitioner regarding rejection of his application seeking extension of parole period, on the ground that as per Section 11(5) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (for short 'the Act of 2022'), no parole or furlough shall be extended in any case. Petitioner is required to surrender before the jail authorities on 21.05.2024 at 5:00 p.m.

3. Vide order dated 20.05.2024, while issuing notice of motion, this Court had directed the State to file response.

4. Today on the resumed hearing, learned State counsel appears and does not controvert the aforesaid factual position. He further submits that pursuant to the directions of this Court, factum of admission of petitioner's mother in the Swami Vivekanand Multi-Speciality Hospital, Yamuna Nagar, has duly been verified. He also submits that mother of the petitioner has been diagnosed, as aforesaid. He has also tendered a copy of the verification report dated 20.05.2024, which is taken on record and marked as Annexure 'X'.

5. We have heard learned counsel for the petitioner as well as learned State counsel and have also perused the case file.

6. Concededly, the petitioner was earlier released on parole on 11.03.2024 and is required to surrender to the jail authorities today itself i.e., on 21.05.2024. The factum of admission/diagnosis of petitioner's mother in the aforesaid hospital has duly been verified by the State. The concerned jail authority/ respondent No.4, vide letter

dated 08.05.2024 (Annexure P-1), has rejected the application of the petitioner regarding extension of his aforesaid parole period.

7. In view of the aforesaid, we deem it appropriate to extend the parole period of the petitioner for another 06 weeks from today, to enable him to take care of his ailing mother, who is concededly, admitted in the Swami Vivekanand Multi-Speciality Hospital, Yamuna Nagar.

8. In the premise, the petitioner is granted parole for further 06 weeks from today, subject to his furnishing fresh bonds to the satisfaction of the competent authority/Duty Magistrate. The period of 06 weeks shall be counted from today i.e., 21.05.2024. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate. The State counsel shall also file a report apprising this Court about the surrender of the petitioner.

9. With the aforesaid observations/ directions, the instant petition is disposed of.

10. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

May 21, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No