

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

112

CRWP-4839-2024

Date of Decision : May 30, 2024

AJAY KUMAR

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, A.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On the last date of hearing, i.e. 23.05.2024, the hereinafter
extracted order was passed upon the instant petition:-

“Through the present petition, challenge is thrown to order dated 20.5.2024, whereby, further extension of parole beyond 24.5.2024 has been declined by the Superintendent of Prison, District Prison, Kurukshetra, and also further prayer has been made to extend the medical parole as the petitioner owing to his medical condition, is incapacitated to re-step into the prison.

The perusal of the speaking order reflects that the petitioner was released on 15.2.2024 for 10 weeks regular parole with the direction to surrender back on 26.4.2024. However, due to his medical conditions, he approached this Court by filing CRWP-3657- 2024, and this Court vide order dated 24.4.2024 further extended the emergency parole for a period of 4 weeks, and he was directed to re-step into prison on 24.5.2024. The petitioner applied to the Superintendent of Prisons for further extension of parole on account of his medical condition. However, the same was declined on the ground that as per provision of Para

No. 5(3) of the Haryana Good Conduct (Temporary Release Act), 2022, the emergency parole under this Section shall not exceed 4 weeks, which order has been challenged on the ground that since the petitioner is incapacitated, and is admitted in ICU, in a private hospital, he cannot in any manner, re-step into the prison. For this, the learned counsel for the petitioner has placed reliance on Annexure P/2, which is report of the private hospital.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of the respondent-State.

The learned State counsel is directed to file reply within a week from today, also with regard to the medical condition of the petitioner. If possible, the medical condition of the petitioner shall be assessed through the CMO concerned.

The status report shall positively be filed within 7 days from today.

List on 30.5.2024.

Till then, the parole of the petitioner is extended.

To be shown in the urgent list.”

2. Today, the learned State counsel has filed a short reply, on affidavit of Sh. Rohan Singh Hooda, Dy. Superintendent, District Jail, Kurukshetra, which is taken on record. The short reply is accompanied by Annexure R-1, which is prepared by Incharge Police Post, Kithana, and, therein becomes verified the medical status of the petitioner. The relevant extract of Annexure R-1 is reproduced hereinafter:-

“He is being treated by Dr. Taranjeet Singh, MBBS PCMS-1 SMO (EX) HMC-HN 19652. He is suffering from Heart & Kidney Diseases. He is found admitted in I.C.U. at Shree Krishna Multi Specialty Hospital, Kalayat when I checked. Documents and Report of Doctor are enclosed and submitted for consideration.”

3. In view of the verifactory submissions made in the short reply that the petitioner is admitted in I.C.U., this Court deems it appropriate to extend the parole of the petitioner for a further period of 15 days. After expiry of the period of 15 days, which shall commence from today itself, the petitioner shall forthwith re-step into the prison concerned.

4. Disposed of accordingly.

May 30, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No