



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.6124 of 2024
Date of decision:03.07.2024

Amit Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana with
Ms. Kushaldeep Kaur, Advocate.

VIKRAM AGGARWAL, J.

1. This is a petition preferred by the petitioner under Article 226 of the Constitution of India seeking the issuance of a *mandamus* commanding the respondents to extend the parole of the petitioner for six weeks 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 on account of the mother of the petitioner being unwell and being admitted in hospital.

2. As per the case set out in the petition, the petitioner was convicted under Section 302 IPC and was sentenced to undergo rigorous imprisonment for life in case FIR No.226 (ibid). He was released on parole w.e.f. 11.03.2024 to 21.05.2024. He moved the authorities for extension of parole for six weeks on account of ill-health of his mother. This request was



declined by the respondents leading to the filing of CRWP No.4611 of 2024 which was allowed vide order dated 21.05.2024 (Annexure P-8) and the parole granted to the petitioner was extended for a further period of six weeks w.e.f. 21.05.2024. The petitioner was supposed to surrender on 02.07.2024.

3. Before the expiry of the said period, the petitioner has moved the instant petition on the ground that the mother of the petitioner has again been admitted in hospital as she was suffering from weakness on account of an upset stomach, chronic cough, loss of appetite, shortness of breath etc., as a result of which she was not able to walk or stand. Reliance has been placed upon medical certificate dated 25.06.2024 (Annexure P-3). The petitioner, therefore, seeks extension of his parole by another period of six weeks.

4. On 02.07.2024, when the petition came up for hearing, learned counsel representing the State of Haryana prayed for some time to ascertain the veracity of the assertions set out in the petition.

5. Today, learned State counsel has submitted a report of the Station House Officer, Police Station Sadar, Yamuna Nagar as per which it has been ratified that the mother of the petitioner, namely Smt. Shiv Devi is admitted in Civil Hospital, Yamuna Nagar and is unwell for a long time. She was admitted in Civil Hospital, Yammuna Nagar on 30.06.2024 on account of High Blood Sugar, High Blood Pressure and difficulty in Breathing. Prior to this she was admitted from 07.05.2024 to 21.05.2024 and thereafter from 24.06.2024 to 26.06.2024 in Swami Vivekanand Multi-Speciality Hospital, Yamuna Nagar in a serious condition. The report further states that the father of the petitioner is also in custody in the same FIR and is lodged in District



Jail at Jagadhri. The younger brother of the petitioner Vicky is mentally unstable and lives in his in-laws house in Uttar Pradesh. The only sister of the petitioner is married and is living in her matrimonial home at Faridabad. The petitioner is also a divorcee. The report further states that the police or the neighbours of the petitioner have no objection in extension of the parole of the petitioner.

6. Learned counsel for the petitioner submits that in view of the serious health condition of the mother of the petitioner, the parole granted to the petitioner deserves to be extended by six weeks.

7. Learned State counsel has not opposed the prayer though it has been submitted that extension of parole for six weeks is not called for.

8. We have duly given our thoughtful consideration to the issue in hand. The petitioner was granted parole initially w.e.f. 11.03.2024 to 21.05.2024. On account of the ill-health of his mother, his parole was extended for a period of six weeks w.e.f. 21.05.2024 vide order dated 21.05.2024 passed in CRWP No.4611 of 2024. The report submitted by the respondents does show that the mother of the petitioner is unwell and is admitted in hospital. The report also states that except for the petitioner, there is no one else to look after the mother of the petitioner, namely Smt. Shiv Devi. At the same time, it is also to be kept in mind that the petitioner is on parole since 11.03.2024.

9. In view of the aforesaid, without commenting any further on the merits of the issue and keeping in view the no objection given by the State Authorities in the report as also in the Court, we deem it appropriate to



extend the parole of the petitioner for a period of two weeks w.e.f. 02.07.2024.

10. The Court concerned/Duty Magistrate shall notify the date of surrender of the petitioner which shall be duly complied with by the petitioner and the petitioner shall accordingly surrender at the Jail Gate on the date and time to be notified by the Court concerned/Duty Magistrate.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

July 03rd, 2024
Rekha

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