



CRWP-9818-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(282)

CRWP-9818-2024
Date of Decision : 16.10.2024

Ajay Kumar ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant criminal writ petition, as filed under Article 226/227 of the Constitution of India, read with Section 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (for short 'the Act of 2022), a challenge is thrown to the administrative order dated 03.10.2024 (Annexure P-1), passed by the Superintendent of Jail, District Jail, Kurukshetra, whereby, the respondent authorities have declined to grant the emergency parole to the petitioner, on the ground that the petitioner has already availed the statutory parole period, as prescribed under the Act of 2022.

2. The petitioner has been convicted by the learned Additional Sessions Judge, Kurukshetra, through drawing a verdict of conviction and order of sentence on dated 20.01.2015, in case FIR No.224, dated 17.10.2011, under Sections 148, 149, 302, 307, 120-B and 216 of the IPC, 1860, and under



University, Kurukshetra, District Kurukshetra. Consequent to the drawing of the verdict of conviction, the petitioner has been sentenced to undergo imprisonment for life.

3. Learned counsel for the petitioner submits that there is no dispute by the Jail Authorities, concerned, that the petitioner is in a bad/poor health condition, and he requires immediate medical interventions. He further submits that in view of the medical condition, a mandamus be passed upon the authorities concerned, to release the petitioner on emergency parole.

4. The respondent-State of Haryana was put to notice, by a coordinate Bench of this Court, vide order dated 10.10.2024, and was directed to verify the medical condition of the petitioner.

5. In deference to the directions issued by this Court, short reply dated 15.10.2024, by way of affidavit of Mr. Rohan Singh Hooda, Deputy Superintendent, District Jail, Kurukshetra, on behalf of the respondents, furnished by the learned State counsel today in the Court. The same is ordered to be taken on the record. Along with the reply (supra), a medical status report of the petitioner (**Annexure R-1**) is also annexed, which reads as under :-

“As per the Ld. Court directions dated 10.10.2024, the medical examination of Ajay S/o Ram Kishan was conducted on 15.10.2024. Referring to the earlier medical certificate dated 01.10.2024 and his available medical treatment records, it was found that the prisoner has been under treatment for the following chronic conditions:

- 1. Chronic Obstructive Pulmonary Disease (COPD)**
- 2. Coronary Artery Disease (CAD)**
- 3. Acute Coronary Syndrome (ACS)**
- 4. Deep Vein Thrombosis (DVT)**



5. Percutaneous Transluminal Coronary Angioplasty (PTCA)

6. Shortness of Breath (SOB)

Current Medical Condition:

** The prisoner is currently receiving regular medication for the above-mentioned conditions.*

** He complains of Uncontrolled Hypertension with shortness of Breath on & off. Blood pressure has consistently remained elevated despite pharmacological treatment with recent reading averaging 210 mmHg.*

** The patient also has a history of diabetes mellitus.*

Medications:

For COPD/CAD/ACS/DVT/PTCA: *The patient continues to receive already prescribed treatment for these conditions, but needs further intervention.*

For Hypertension and Diabetes Mellitus (Type 2):

Antihypertensive medications are being administered but is uncontrolled.

Anti-diabetic treatment is also ongoing.

He requires Specialist Opinion from higher centre. The report is hereby submitted for the Hon'ble High Court's kind reference and further necessary action please."

6. In the medical status report (**Annexure R-1**), it is specifically mentioned that the petitioner requires specialist opinion from the higher centre, and his blood pressure has consistently remained elevated despite pharmacological treatment with recent reading averaging 210 mmHG.

7. Considering the medical condition of the petitioner, this Court deems it appropriate to allow the instant petition.

8. In sequel, after allowing the present petition, the petitioner is ordered to be released from the prison concerned, for a period of 06 weeks from today, by the Superintendent of the prison concerned, from the period

commencing from the morning of 17.10.2024 to the evening of 28.11.2024.

On expiry of the above term of parole, the petitioner shall forthwith re-step into the prison concerned and if he does not do so, thereupon the SHO of the jurisdictional police station concerned shall forthwith arrest the petitioner and thereafter, shall produce him before the learned Judicial Magistrate concerned.

9. Personal surety bonds comprised in a sum of Rs.50,000/- are ordered to be furnished by the petitioner, before the learned Magistrate concerned.

10. The petition is **allowed** in the above terms.

(KULDEEP TIWARI)
JUDGE

October 16, 2024
Manpreet

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