



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

CRWP-12301-2023

Date of Decision : 01.08.2024

SAVITA DEVI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Monika Thakur , Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

KULDEEP TIWARI, J.(Oral)

1. Through the instant criminal writ petition filed under Article 226 of the Constitution of India read with Haryana Good Conduct Prisoners (Temp. Release) Act, 2022, and also under Section 482 Cr.PC. for quashing of order dated 06.12.2023 (Annexure P-4), vide which the emergency parole application dated 28.11.2023 (Annexure P-3), preferred by the petitioner, for her husband (convict), on account of emergency surgery on the neck of her daughter, has been rejected.

2. A perusal of the impugned order (*supra*), reflects that the authority after recording the antecedents, the conduct of the convict in jail, as well as the fact that he even absconded earlier parole, as granted to him, however, later on arrested by the police, concluded that the convict falls within the ambit of definition of 'hardcore convicted prisoner', and proceeded to reject the same.

3. Vide order dated 08.01.2024, a co-ordinate bench of this Court, passed the following order:-

“Reply by way of affidavit of Satyabhan, Deputy Superintendent, District Prison, Gurugram on behalf of State is taken on record alongwith Annexure R-1 and Annexure R-2.

The present petition has been filed by the petitioner on the ground that the daughter of the petitioner requires immediate major surgery of her neck and in this regard the petitioner has placed medical record (Annexure P-2).

On query being put to the State Counsel, he prays for time to seek necessary instructions with regard to verification of the abovesaid medical record. The State counsel further made prayer that the concerned patient be referred to Medical Board to get specific report with regard to her medical condition.

In the light of the above, Deepika D/o Parveen is directed to appear before the Medical Superintendent of PGIMS, Rohtak on 11.01.2024. So that she be examined by the Medical Board constituted by the Medical Superintendent and the Medical Board is to submit its report within next 05 days of the medical examination of the patient concerned namely-Deepika, to this Court.

Now be listed on 22.01.2024. ”

4. However, on subsequent date, it was reflected that the daughter of the petitioner, refused to get herself examined in the presence of police officials. The petitioner was again directed to produce her daughter before Dr. Sabina Bansal, MS (ENT), Government Hospital, Gurugram, on 15.04.2024. On examination, the doctor concerned submitted a report, which reads as under:-

“In reference to office No 5355 dated 10/4/2024, Patient Deepika D/o Parveen, age 16/F, R/o Gurugram was examined in ENT OPD on 15/4/2024 at 12:30PM vide UHID No 414001266071.

Patient has a history of neck injury 1 year back when she met with a Road side Accident & developed a laceration on her neck which was sutured & LA in Virat Hospital (IP No 202201096 dated 15/03/2022).

On this day i.e. 15/4/2024, Deepika has a hypertrophied scar (well healed) on her neck. Extending from (R) SCM muscle to (L) SCM Muscle above the Hyoid Bone. Rest of the ENT examination is WNL. There is no requirement of any emergency procedure to be done for her scar.”

5. A perusal of the above report clearly reflects that there is no emergency, and in fact, the case has been cooked up to create a ground for

getting the parole for the convict who falls within the ambit of 'hardcore convicted prisoner'.

6. This Court does not find any perversity or illegality in the impugned order (*supra*), therefore, the impugned order is upheld, and the instant petition, is ordered to be **dismissed**.

August 01, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No