

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:075734



CRWP No.5611 of 2025 (O&M)
Date of decision: 9th June, 2025

Surinder Singh @ Sinder

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH.

Present: Mr. G.S. Hundal, Advocate for petitioner.

Mr. Anmol Malik, DAG Haryana.

KIRTI SINGH, J(Oral)

1. The instant petition has been filed for quashing of order dated 26.04.2025 (Annexure P-9) vide which the application dated 26.04.2025 seeking emergency parole to the petitioner has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner was convicted in case FIR No. 92 dated 21.05.2006 under Section 15(c) of NDPS Act, registered at PS Nissing, District Karnal vide judgment of conviction dated 03.11.2009 and was sentenced to undergo rigorous imprisonment for a period of 12 years and was ordered to pay a fine of Rs.1,50,000/- and in default of payment of which, to further undergo rigorous imprisonment for a period of 2- ½ years. The appeal against the same was dismissed by this Court, vide order dated 08.01.2016. Thereafter he filed Criminal Appeal bearing No. 472 of 2017 before the Hon'ble Supreme Court of India, wherein his sentence was reduced to 10 years. During the pendency of the aforesaid appeal before the learned Apex Court, another FIR No. 280 dated

28.7.2021, under Section 15 and 25 of NDPS Act, was registered against the petitioner at Police Station Butana, wherein he was convicted and sentenced to undergo rigorous imprisonment for a period of 10 years, vide judgment dated 5.7.2024 passed by Additional Sessions Judge, Karnal. The petitioner challenged the conviction and sentence order in appeal bearing No.CRA-S-2715 of 2024, wherein, on health consideration, his sentence was suspended vide interim order dated 16.5.2025, for a period of two months i.e. uptill 16.7.2025. However, the petitioner who is not released as he was yet to complete his sentence awarded in the former FIR.

3. Learned counsel for the petitioner submits that the health condition of the petitioner deteriorated during his custody. Pursuant to it, the jail authorities permitted the conduct of MRI Test of the petitioner, thereafter, he was further referred to PGIMER, Chandigarh for conduct of his CBNAAT (Gene-expert) test, report of which dated 07.04.2025 reveals that the petitioner has been diagnosed with bone tuberculosis effecting spinal cord, because of which he is unable to even move from his bed. On 26.04.2025 the wife of the petitioner moved an application for grant of emergency parole to the petitioner on medical ground which was dismissed by way of impugned order dated 26.04.2025, solely on the ground that the petitioner had not completed five years of imprisonment after being categorized as a hardcore convicted prisoner as per provision of Section 6(3) of the Parole Act.

4. As per the status report that has been filed by Deputy Superintendent, District Prison (Karnal) Haryana, the medical condition of petitioner has deteriorated with no significant clinical improvement and is currently on medications as prescribed by the specialist doctors of PGIMER, Chandigarh and remains under regular follow up. Despite ongoing regular treatment, the health of petitioner is deteriorating day by day.

5. Per contra learned State counsel relies upon the contents of reply dated 28.05.2024 filed on behalf of State, wherein it is contended that the medical status report of the petitioner was sought by this office from the Medical Officer, District Prison, Karnal. In response, the Medical Officer submitted a report vide No.522/DJH/KNL dated 27.05.2025. According to the report, 'the petitioner, has been under regular medical care for complaints of chest pain, abdominal discomfort, and limb numbness. He has been referred multiple times from the prison medical facility to PGIMER, Chandigarh, where he underwent various investigations. Initial findings included chronic superficial gastritis on upper GI endoscopy and mild sensory-motor neuropathy on nerve conduction studies. Further imaging with CE-MRI revealed tubercular spondylodiscitis at the D5-D6 vertebrae with vertebral destruction and spinal canal compromise. A CT-guided FNAC and CBNAAT test confirmed miliary tuberculosis, for which anti-tubercular therapy was initiated on 15.04.2025. Despite being on regular treatment and follow-up, the patient's condition continues to deteriorate, with no significant clinical improvement. Additionally, the jail Medical Officer has stated that the patient is currently on medications as prescribed by the specialist doctors at PGIMER, Chandigarh and remains under regular follow-up. However, despite ongoing regular treatment, the inmate's health is deteriorating day by day or we can say that he seems unresponsive to the treatment as his symptoms are not improving.'

6. Having heard the rival submission and considering the facts that as per affidavit filed, the health of petitioner is deteriorating day by day, accordingly, this petition is allowed. The petitioner be released on parole for a period of four weeks from the date of his release subject to his furnishing personal and surety bonds to the satisfaction of the District Magistrate

concerned with an undertaking that immediately on expiry of the aforesaid period, he shall re-step into the prison concerned.

7. If the above condition is breached and the petitioner does not re-step into the prison concerned, immediately on the expiry of four weeks, thereupon, liberty is reserved to the jurisdictional SHO concerned, to forthwith arrest the petitioner and to thereafter produce him before the jurisdictional Magistrate concerned, for the latter making an order for the petitioner becoming committed to the jail concerned.

8. Pending application(s), if any, also stands disposed of.

9th June, 2025

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(KIRTI SINGH)
JUDGE

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