

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

**CRWP No.1078 of 2015
Date of Decision: August 03, 2015**

Rajinder Kumar

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. C.S. Brar, AAG, Punjab

FATEH DEEP SINGH, J.

Learned State counsel has filed reply by way of an affidavit of Surinder Singh, Superintendent, Central Jail, Ferozepur. Same is taken on record.

The convict-petitioner Rajinder Kumar has invoked the jurisdiction of this Court under the provisions of Article 226 of Constitution of India read with Section 3(1) Clause (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 praying for extension of emergency parole on medical reasons.

Heard, learned counsel for the parties.

It is the case of the petitioner that he was convicted in a criminal case registered by way of an FIR No.66 dated 26.3.2010 under Section 22 of the NDPS Act, Police Station, City Ferozepur, and was sentenced to undergo rigorous imprisonment for a period of 10 years along with fine. It was during his jail term that he availed of

concession of parole and, thereafter, second parole by the jail authorities for a period of 28 days was allowed up till 25.7.2015. It is during this period he has come in this petition seeking extension of this parole on account of his medical illness.

As per the stand of the respondent-State filed by way of an affidavit of Surinder Singh, Superintendent, Central Jail, Ferozepur the petitioner is suffering from Type-II Diabetes mellitus and diabetic Neuropathy as well as is undergoing treatment for HIV, besides, suffering from Bilateral Mild Sloping Sensorineural hearing loss along with Mild Fronto Parietal Cortical and Cerebellar Atrophic changes, Mild Hypersensitive and Ischemic white matter changes and Lipoma in the right occipital region. The contentions of the learned counsel for the petitioner that due to acute medical disorder the petitioner needs to be treated privately has been opposed by the State that the appeal of the petitioner is pending before this Court by way of CRA-S-3179-SB of 2014 and, though, medical reasons could be a good ground for suspension of sentence but cannot be sought by way of parole as there is medical treatment available in the Government hospitals for this illnesses.

Appreciating these submissions, it is accepted by the learned counsel for the petitioner that till date the sentence of imprisonment of the petitioner has not been suspended and, thus, by resorting to such a means the petitioner cannot defeat the provisions of law. It is not a case of seeking emergency medical aid for his treatment from a particular hospital and when such a facility is easily available in Government hospitals to the convicts/under trials. Especially, when the petitioner has been in custody only for a period of one year out of the total awarded sentence of 10 years and it is the stand of the State that the petitioner is being given treatment as per his ailments and it is not a

case of total denial of the same or failure of the authorities in making them available to the petitioner. Thus, from this all there is no tenable ground in favour of the petitioner for grant of further parole. Thus, finding no merit the same is declined and the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 03, 2015
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