

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

CRWP No.969 of 2015 (O&M)

Date of decision: 1st September, 2015

Sukhdarshan Singh Bawa

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Ritesh Pandey, Advocate for
Mr. J.S. Bhatti, Advocate
for the petitioner.

Mr. R.S. Randhawa, Addl. Advocate General, Punjab.

FATEH DEEP SINGH, J.

The petitioner Sukhdarshan Singh Bawa, who has invoked the jurisdiction of this Court under Article 226 of the Constitution of India, was convicted in case bearing RC No.3-S-99 dated 05.10.1999 registered at Police Station CBI, Chandigarh under Section 120B IPC read with Sections 420/467/468/471 IPC and Section 13(d) of Prevention of Corruption Act, 1988 punishable under Section 13(2) of the Prevention of Corruption Act, 1988 and his criminal appeal also stood dismissed on 05.12.2013.

During the course of his lodging in Central Jail, Patiala the petitioner was allowed four weeks' parole on 05.12.2014 and was required to report back on 03.01.2015 and in spite of doing so he has moved the instant writ petition seeking extension on emergency medical grounds.

Heard Mr. Ritesh Pandey, Advocate appearing on behalf of Mr. J.S. Bhatti, Advocate for the petitioner and Mr. R.S. Randhawa, Addl. Advocate General, Punjab on behalf of the State.

It is admitted stand of learned counsel for the petitioner that after availing four weeks' parole w.e.f. 05.12.2014 the petitioner was supposed to report back to the jail authorities on 03.01.2015 which he did not do and instead on 02.07.2015 after almost six months consequent to filing of the instant writ petition had secured concession of parole by way of an order dated 02.07.2015, the relevant part of which is reproduced as follows:

"In the meanwhile, concession of the parole already granted to the petitioner shall continue to operate till the next date of hearing."

It shows that without there being sufficient order having been secured, the petitioner has remained away from the law without there being any tangible reasons forthcoming from the side of the petitioner.

Though as is sought to be contended on behalf of the petitioner, in the reply by way of short affidavit of Bhupinderjit Singh

Virk, PPS, Superintendent, Central Jail, Patiala, the petitioner is suffering from cancer and is presently admitted in Government Hospital, Faridkot, which is sought to be corroborated by learned counsel for the petitioner, who has placed on record photostat copy of the OPD card bearing No.1000364358 dated 25.06.2015 issued by the Deptt. of Radiotherapy & Oncology, G.G.S. Medical College & Hospital, Faridkot.

Though the state of medical health of the petitioner is not refuted on behalf of the State by Mr. R.S. Randhawa, Addl. Advocate General, Punjab and the fact, as is highlighted from the records the petitioner had earlier filed Criminal Writ Petition No.1472 of 2014 which stood disposed off vide orders dated 29.09.2014 and thereafter another writ petition No.1590 of 2014 vide orders dated 29.11.2014 shows the desperation on the part of the petitioner to remain away from jail.

Even if it is accepted as to the medical condition of the petitioner, who though is getting medical aid and treatment from a Government Hospital but has chosen to keep away from the jail when he could have availed of this facility easily while in jail and taking even a humane approach into the matter it would be in the fitness of things that the petitioner be directed to immediately surrender before the jail authorities within two days from the receipt of a certified copy of this order with direction to the jail authorities to get him necessary medical treatment without loss of time which he is already availing of in terms

of the medical opinion which is necessitated and thereafter, the petitioner shall move the competent authority under the provisions of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and the authority shall dispose off his representation within ten days on receipt of the same. The concerned jail authorities shall ensure that there is no negligence as far as the medical treatment of the petitioner is concerned.

The petition stands disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

September 1, 2015

rps