

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.1164 of 2015

Date of decision :January 22, 2015

Amrinder Singh

.....Petitioner

Versus

State of Punjab and Others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MR.JUSTICE GURMIT RAM**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Arshvinder Singh, Addl. A.G., Punjab.

S.S. SARON, J.

The petitioner by way of the present petition under Article 226 of the Constitution of India seeks extension of parole for a period of eight weeks from 25.07.2015 onwards as he has undergone a major surgery of abdomen/intestine on 11.07.2015.

The petitioner has been convicted by the learned Additional Sessions Judge, Fazilka on 19.01.2015 in case FIR No.86 dated 20.08.2013 registered at Police Station Bahawwala, District Fazilka for the offences under Sections 302 and 120-B IPC. His appeal i.e. CRA No.D-287-DB of

2015 is pending in this Court. It is submitted that the petitioner was suffering from acute intestine problem due to which he was got admitted by the jail authorities in Guru Gobind Singh Medical College and Hospital, Faridkot. He was operated upon and was discharged on 13.06.2015. Thereafter, he was granted six weeks parole. His problem, however, continued and due to his severe condition, he consulted Dr. Sushil Jindal of Pancham Hospital, Ludhiana. He was properly diagnosed and after admission an operation was done on 11.07.2015. Due to the surgery that has been done, his full abdomen, it is stated, was ruptured and at present he is under post-operative recovery. The doctor treating him has opined that he is not fit for any work; besides, has advised two months leave with full bed rest. Copy of the medical certificate dated 14.07.2015 (Annexure P-1) issued by Dr. Sushil Jindal, M.S. General Surgery has been placed on record. Therefore, it is prayed that the parole already granted to the petitioner may be extended.

Notice of motion was issued to Advocate General, Punjab on 12.08.2015 for 20.08.2015. On request of learned State counsel, the case was adjourned to 27.08.2015 and was taken up on 15.10.2015. No extension for the intervening period was granted to the petitioner.

Learned State counsel has filed reply by way of affidavit dated 21.01.2016 of Sh. Surinder Singh, Superintendent, Central Jail, Ferozepur (respondent No.3) on behalf of respondents No.1 to 3. The same is taken on record.

In terms of the reply, it is inter alia submitted that the petitioner was released on six weeks parole on 12.06.2015. He was to surrender in jail on 25.07.2015 but he has absconded from parole and has not surrendered in

jail. It is submitted that the petitioner sent a representation dated 15.07.2015 to the Superintendent Central Jail, Ferozepur (respondent No.3) for extension of his parole for two months from 25.07.2015 to 25.09.2015. The same was received by the Superintendent Central Jail, Ferozepur (respondent No.3) on 20.07.2015. The petitioner was informed vide letter No.9990 dated 21.07.2015 (Annexure R-II/T) that there was no provision in the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for extension of parole. The request of the petitioner was rejected and he was directed to surrender back in jail after completion of his parole. It is submitted that the petitioner has not yet surrendered back in jail till date.

It may be noticed that the prayer of the petitioner was for extension of parole for two months from 25.07.2015 to 25.09.2015. Even though the period of time for which the extension of parole was sought has expired and the petitioner was informed vide letter dated 21.07.2015 (Annexure R-II/T) that there is no provision for extension of parole and he should surrender in jail, he has not surrendered back in jail. Therefore, his intention was clearly to abscond.

In the circumstances, there is no merit in the petition and the criminal writ petition is accordingly dismissed.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

January 22, 2016
Gaurav Sorot