

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

Crl. Writ Petition 1312 of 2016(O&M)
Date of Decision : October 27, 2016

Subhash Chander

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Ms. Bhupinder Pal Kaur Brar, Advocate with
Mr. Rajpreet Singh Brar, Advocate
for the petitioner.

Mr. Vinod Bhardwaj, Addl. A.G., Punjab.

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed by Subash Chander petitioner under Article 226 of the Constitution of India is for extension of parole for four weeks w.e.f. 11.10.2016 i.e. the date on which he was due to surrender before the jail authorities on the expiry of the parole granted to him.

According to the petitioner, he is suffering from HIV+/AIDS and High Triglycerides and as a result, he is in a critical condition. The doctor has advised him complete bed rest. He also needs the attendant to look after him.

While issuing notice, a co-ordinate Bench of this Court vide order dated 6.10.2016 extended the parole already granted to him. On the last date of hearing, reply was filed by the Jail

Superintendent. Alongwith the reply, report of the Station House Officer, Police Station Lambi, District Sri Muktsar Sahib was appended wherein it was mentioned that though the petitioner was suffering from the disease Syphilis and his treatment going on from Dr. Mahesh Lalgaria MD (Medicine) RMC RN 13822 in Lalgaria Hospital, Sriganganagar but he was not admitted in the hospital. He went to the said hospital on 25.8.2016 and, thereafter, on 15.10.2016.

As it was mentioned in the report of the Station House Officer, Police Station Lambi that the doctor had earlier given his report yet the said report had not been appended with the reply. Accordingly, the State counsel requested for a short adjournment for producing the report. The hearing was adjourned for today and the interim order ordered to continue.

Learned State counsel has produced the copy of the medical report of Medical Officer, District Jail, Sangrur which had been prepared on the basis of medical record of Lalgaria Hospital, Sriganganagar (Rajasthan). It stands mentioned therein that as per the report of Lalgaria Hospital, the petitioner is VDRL Positive which indicates that he is suffering from Syphilis. As per the treatment of hospital, Penidure-LA 12 injection is to be given to the petitioner on 7th day. The treatment already stood started. The test is to be conducted again after three injections. Subsequent thereto the opinion of skin specialist is to be taken.

From the above, it is made out that though the petitioner is suffering from the disease Syphilis yet he is getting treatment from the same by way of being administered Penidure-LA 12 injections. Moreover, the petitioner on the expiry of the period for which he had been released on parole, was required to surrender on 11.10.2016. The said parole stands extended upto today pursuant to the order dated 6.10.2016 and subsequently on 11.10.2016.

Taking into consideration the totality of the circumstances and keeping in view the fact that the petitioner has already been administered one injection and is required to be administered two more injections, which is likely to be done within ten days or so, the present petition is disposed of by extending the parole of the petitioner upto 9.11.2016. On the expiry of the extended period of parole, he shall surrender before the jail authorities on 10.11.2016.

**(T.P.S. MANN)
JUDGE**

October 27, 2016
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**(GURMIT RAM)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No