

(238)

In the High Court of Punjab and Haryana at Chandigarh

CrWP No.1459 of 2016

Date of decision: 18.11.2016

Vikas Kumar @ Billa

.... Petitioner

Versus

State of Punjab & Ors.

.... Respondents

CORAM: Hon'ble Mr. Justice S.S. Saron.
Hon'ble Mrs. Justice Lisa Gill.

Present: Mr. Balwinder Singh, Advocate for the petitioner.

Mrs. Munisha Gandhi, Addl. A.G., Punjab with
Ms. Harleen Kaur, AAG, Punjab.

S.S. Saron, J.

Reply by way of short affidavit of Sh. Dalbir Singh, PPS, Superintendent, Central Jail, Hoshiarpur on behalf of respondents No.1 to 3 has been filed in Court today. The same is taken on record.

The Crl. Writ petition has been filed under Articles 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking extension of parole that has been granted to the petitioner from 18.10.2016 till 10.11.2016.

The petitioner has been convicted by the learned Additional Sessions Judge, Hoshiarpur on 8.8.2013 for the offences punishable under Sections 148/149, 148, 326/149 and 324/149 Indian Penal Code ("IPC" – for short). He has been sentenced to life imprisonment for the offence under Section 302/149 IPC, besides, pay a fine of Rs.25,000/- and in default thereof, undergo rigorous imprisonment for one year. He has also been sentenced to imprisonment for three years, three years and one year respectively for the offences under Sections 148, 326/149

and 324/149 IPC as also pay a fine and in default thereof, undergo further imprisonment as mentioned in the order of his sentence.

The petitioner was on furlough in terms of Section 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. While on furlough it is stated that he met with a serious accident on 5.11.2016 and suffered multiple injuries including a fracture on his face. This was required to be operated upon.

Notice of motion was issued on 10.11.2016 for today. The discrepancies that were there in the petition were recorded in the order issuing notice of motion. The learned Counsel for the State was given copies of the paper book and was asked to get the facts verified and make submissions.

In terms of the reply that has been filed, it has been stated that the petitioner met with a road side accident on 2.11.2016. As per medical record and report of Dr. Mohit Paul, Medical Officer, Civil Hospital, Garhshankar, he came to the emergency of the Hospital at 9.20 p.m. on 2.11.2016 and he was discharged on the same day vide Annexure R1. Besides, as per medical record and report of Dr. Barinder Pal, Medical Officer (Dental), Civil Hospital, Nawanshahar, the petitioner reported in Dental OPD on 7.11.2016 and was admitted on 8.11.2016. He was diagnosed with fracture mid face and was operated. Bone plating was done. RIGHT RZ and RIGHT ZM buttress region and ORIF was done and patient was discharged on the same day i.e. 8.11.2016. Follow up was done on 11.11.2016. He was advised to maintain oral Hygiene. Report (Annexure R2) has been submitted by Dr. Barinder Pal, Medical Officer (Dental).

In the afore-noticed circumstances, the petitioner now is fine and no further medical procedure is required for the accident that had occurred.

Learned counsel appearing for the petitioner submits that he may be allowed to withdraw the petition.

Dismissed as withdrawn.

The petitioner shall surrender in jail today itself.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

18.11.2016
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Note:-

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| 1. Whether reasoned/speaking | : | Yes. |
| 2. Whether reportable | : | No. |