

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

CRWP No. 283 of 2016 (O&M)

Date of decision: 18.03.2016.

Balwinder Singh

..... Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present: Ms. Bhupinder Pal Kaur Brar, Advocate, for
Mr. Ivan Singh Khosa, Advocate, for the petitioner.

Ms. Amarjit Kaur Khurana,
Additional Advocate General, Punjab, for the respondents.

S.S. SARON, J.

Learned counsel for the State has filed affidavit of Mr. Hardeep Singh, PPS, Superintendent, District Jail, Sangrur on behalf of respondents No. 1 and 2. The same is taken on record.

The writ petition has been filed under Article 226 of the Constitution of India seeking extension of parole to Jatinder Singh @ Goldy son of the petitioner for a period of four weeks from 26.02.2016, the date on which he was due to surrender.

The convict-Jatinder Singh @ Goldy filed CRWP No. 189 of 2016 seeking extension of parole due to the illness of his father, i.e. the present petitioner – Balwinder Singh. The said petition was disposed of on 16.02.2016 with the direction that convict – Jatinder Singh @ Goldy shall surrender in jail on 26.02.2016 at the prescribed time. The petitioner, who

is the father of Jatinder Singh @ Goldy, has now filed the present writ petition seeking further extension of parole of Jatinder Singh @ Goldy. On 25.02.2016, it was ordered that the son of the petitioner shall in the meantime surrender in jail on 26.02.2016; besides, he shall be examined by the jail doctor, who shall submit a report on the adjourned date.

The Medical Officer, District Jail, Sangrur, has submitted a report wherein it is submitted that prisoner Jatinder Singh @ Goldy was sent to Civil Hospital, Sangrur in ENT OPD. There he was diagnosed as Rhino sino-sitis with DNS for which he was advised functional endoscopy sinus surgery from higher centre/institute. In the circumstances, Jatinder Singh @ Goldy would be required to go to a higher centre/institute for functional endoscopy sinus surgery.

In the circumstances, son of the petitioner, namely, Jatinder Singh @ Goldy is entitled for his temporary release on parole. The fact that he was earlier released on temporary parole and, thereafter, he is seeking another parole would not come in the way for grant of another parole. This Court in **Satyavart v. State of Haryana, 1997 (3) RCR (Criminal) 672**, which was a case under the Haryana Act, held that restriction could not be imposed by executive instructions for seeking second parole. In **Kirpal Singh v. State of Haryana, 1997 (3) RCR (Criminal) 735**, also a case under the Haryana Act, this Court held that where the petitioner in the said case had already been granted two weeks' parole and shortly after which he was seeking second parole to attend the marriage of his sister's son, the second parole could not be refused and that there were no restrictions in the

number of times to grant parole. The only restriction was that the total period should not exceed four weeks. The provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 ('Act' – for short) do not restrict the number of emergency parole that a prisoner may seek for the purposes as envisaged by Section 3 of the Act.

Keeping in view the surgery required by the son of the petitioner, namely, Jatinder Singh @ Goldy, it would be just and expedient to release him on temporary parole for a period of four weeks.

Accordingly, the criminal writ petition is allowed and the son of the petitioner, namely, Jatinder Singh @ Goldy, on his furnishing necessary surety and personal bonds to the satisfaction of District Magistrate, Sangrur, shall be released on four weeks' parole.

(S.S. SARON)
JUDGE

18.03.2016
Ramesh

(GURMIT RAM)
JUDGE

Note: Whether to be referred to the Reporter: Yes.