

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Writ Petition No.361 of 2016

.....

Date of decision:18.3.2016

Sher Chand

...Petitioner

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Ms. Gurjeet Kaur, Advocate for the petitioner.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. praying to issue directions to respondent No.2 for extension of parole for four months for the reason that the petitioner is suffering from chronic diseases of COPD, CAD, PIVD, Rheumatoid Arthritis and Lumber Spondylosis as per medical report (Annexure-P.3) given by Medical Officer, Central Jail, Ferozepur and the date 18.3.2016 has been fixed for his cataract operation at P.G.I., Chandigarh (Annexure-P.5) and he needs proper treatment during these critical hours and his recovery will take some time keeping in view the facts and circumstances mentioned in the petition.

It is stated in the petition that on 8.2.2016, the petitioner was

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released on parole for 42 days, but since the petitioner is suffering from COPD, CAD, PIVD, Rheumatoid Arthritis and Lumber Spondylosis, he had remained admitted in Civil Hospital, Ferozepur from time to time while confined in the Central Jail, Ferozepur. Even during his confinement in the jail, the petitioner has remained admitted for most of the time in P.G.I., Chandigarh, Civil Hospital, Ferozepur as well as in the Central Jail Hospital, Ferozepur. It is also stated in the petition that as far as the petitioner was released on 8.2.2016 on parole for 42 days and on 22.3.2016 is the due date of surrender of the petitioner before the jail authorities but due to his illness the petitioner is not able to surrender before the jail authorities because he is taking treatment from Nuga Medical India Private Limited, SCO 21-22, Phase-VII, Mohali, wherein he is taking treatment of Physiotherapy for his spinal cord. The course of treatment is of three months, which commenced from 26.2.2016 till 25.5.2016.

At the time of arguments, learned counsel for the petitioner admitted that he has not applied before the competent authority for extension of the parole. Even the order vide which the parole was granted has not been placed on the file. The petitioner was knowing the fact regarding his surrender before the jail authorities on 22.3.2016. So, without applying for extension before the competent authority, this petition has been filed.

As already discussed, even the impugned order vide which the parole was granted to the petitioner for 42 days has not been placed on record by him.

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Therefore, finding no merit in this petition for extension of parole for four months, the same is dismissed.

March 18, 2016.

(Inderjit Singh)
Judge

hsp