

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

**CRWP No.173 of 2017 (O&M)
Date of Decision: February 16, 2017**

Aftab Alam

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mohd.Arshad, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India read with Section 3(1) (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 [for brevity 'the Act'], for setting aside the impugned order dated 04.02.2017 and issuance of directions to the respondents to release the petitioner on emergency parole for four weeks on the grounds of illness of his mother.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, especially the impugned order Annexure P-1, I find that before passing the impugned order, a report has been called from the Principal, Medical Officer Dr.Hedgewar Arogya Sansthan, Karkardooma, Delhi-32. Dr.P.Basumatary, Incharge (Eye) stated that the

mother of the petitioner is not admitted in the hospital. She has been

investigated and advised cataract surgery (LE) and given the date for admission for surgery on 24.02.2017. She is ailing from cataract of both eyes. The doctor further stated that the nature of the disease of Tahira is not serious.

The Superintendent, District Jail, Faridabad, dismissed the application after discussing the provisions of Section 3 (1) (a) of the Act which provides that if a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill, only then he is entitled for emergency parole.

As the mother of the petitioner is not seriously ill as per the report of the doctor, therefore, no ground is made out for releasing the accused-petitioner on emergency parole.

In view of the above discussion, I find that the impugned order dated 04.02.2014 passed by the Superintendent, District Jail, Faridabad, is correct, as per law and does not require any interference from this Court.

Therefore, finding no merit in the present petition, the same is dismissed.

February 16, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No