

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

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Criminal Writ Petition No.222 of 2017
Date of Decision: April 21st, 2017

Kulwinder Singh @ Gurwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Satinder Kumar Garg, Advocate
for the petitioner.

Ms. Manjri Nehru Kaul, Additional Advocate General, Punjab.

M. JEYAPPAUL, J. (ORAL)

Writ petitioner/convict has filed the present writ petition seeking emergency parole for two weeks to enable him to withdraw some amount from the bank account of the petitioner for the treatment of his mother, other household expenses of family and admission of his minor son in the school.

The impugned order (Annexure R-1/T) passed by the Deputy Commissioner, Fazilka, discloses that he was pleased to reject the prayer for parole sought for by the petitioner on the ground that the local police has objected to the release of the convict on parole.

We heard the submissions made by learned counsel appearing for the petitioner and the learned Additional Advocate General, Punjab, for the State.

Counsel for the writ petitioner now submits that the

writ petitioner would be satisfied if he is taken in custody to operate his account. We, in fact, directed the respondents to place on record the Jail Manual to see whether there is any provision for sending the convict to the bank premises for signing the cheque or to issue a cheque brought by his relative in the jail premises itself.

Learned Additional Advocate General, Punjab, for the State, on the basis of the reply by way of short affidavit filed today, submitted that there is no reference in the Punjab Jail Manual to enable the convict to issue a cheque while he is undergoing sentence.

The right of the convict to draw amount from the bank to meet such an exigency is not curtailed by his imprisonment. If necessary provision is not introduced in the Jail Manual, the convict who would like to draw amount from the bank may come up with a petition before this Court to seek necessary directions. To avoid such recourse by the convict, in our view, the State shall introduce necessary provisions in the Jail Manual itself to enable the convict to issue cheque in the name of a family member who brings the cheque to the jail premises. If such a facility is introduced in the Jail Manual, the necessity to take the convict to the bank premises as per the orders of the Court, can be avoided.

We trust and hope that the State will take care of the above observations made by us by introducing necessary provisions in the Jail Manual.

With the above observations, the writ petition is disposed of giving a direction to the respondents to permit the writ petitioner to issue a

cheque in the name of the close relative who brings the cheque book to him during the jail visit.

**(M. JEYAPPAUL)
JUDGE**

April 21st, 2017
Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No