

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

CRWP-595 of 2017 (O&M)
Date of Decision:- 22.05.2017

Baldev Raj

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. Balbir Singh Chauhan, Advocate,
for the petitioner.

S.S.Saron, J.

The petition has been filed by the petitioner Baldev Raj under Article 226 of the Constitution of India read with Section 3 (1) (d) of the Haryana Good Conduct Prisoners (Temporary Release), Act, 1988 ('Act'-for short) seeking his temporary release on parole for eight weeks to look after his mother who is admitted in Military Hospital, Ambala.

According to the Jail Custody Certificate (Annexure P-1) the petitioner has been convicted by the learned Additional Sessions Judge, Ambala on 31.03.2012 in case FIR No.85 dated 29.05.2009, registered at Police Station Mahesh Nagar for the offence under Section 120-B Indian Penal Code ('IPC' - for short). He has been sentenced to undergo life imprisonment; besides, pay a fine of Rs.5,000/- and in default in payment thereof undergo simple imprisonment for six months. The petitioner has filed an appeal against the said judgment of conviction and order of

sentence i.e. CRA-D-770-DB of 2012 titled as 'Lajja Ram and another v. State of Haryana' which is pending in this Court.

It is submitted that mother of the petitioner has been admitted in Military Hospital, Ambala on 05.05.2017. It has been certified by the doctors at Military Hospital, Ambala vide certificate dated 10.5.2017 (Annexure P-3) that Smt. Prito Devi, mother of Hav. Balbir Singh of 305 Field Hospital is admitted in Military Hospital, Ambala w.e.f. 05.05.2017. It is further stated that she is suffering from Diabetes and Hypertension with Acute Onset of Vertigo and that she needs and attendant for her care.

Learned counsel for the petitioner, during the course of hearing has submitted a speaking order dated 17.05.2017 passed by the Superintendent, Central Jail, Amabla. The speaking order is taken on record.

It is inter alia stated in the said speaking order that the convict Baldev Raj (petitioner) submitted an application in the office of Superintendent Central Jail, Ambala on 12.05.2017 stating that his mother was suffering from illness. The facts were got verified by the Superintendent, Central Jail, Ambala through the Station House Officer, Police Station Panjokhra Sahab. It was verified by the latter that mother of the petitioner was admitted in Army Hospital, Ambala Cantt. However, there was no serious illness mentioned in the report submitted by the Station House Officer, Police Station Panjokhra Sahab. Hence, Baldev Raj (petitioner), it is stated, was not entitled for parole. It is further mentioned that in terms of Section 3 (1) (a) of the Act, temporary release on parole can be granted to a prisoner if a member of the prisoner's family has died or is seriously ill or the prisoner himself is seriously ill.

A perusal of the medical certificate dated 10.05.2017 (Annexure P-3), as already noticed, shows that it has been certified that Smt. Prito Devi mother of Hav. Balbir Singh of 305 Field Hospital was admitted in the hospital w.e.f. 05.05.2017. It is stated that she is suffering from Diabetes and Hypertension with Acute Onset of Vertigo and she needs an attendant for her care.

From the said certificate, it is evident that the petitioner has another brother namely Hav. Balbir Singh who is in the Army and the mother of the petitioner is being treated in Army Hospital at Ambala Cantt. as her other son is in the Army. Therefore, she has her other son to look after her.

In the circumstances, keeping in view the verification done by the Station House Officer, Police Station Panjokhra Sahib as also the speaking order dated 17.05.2017 passed by the Superintendent, Central Jail, Ambala, besides, the fact that the mother of the petitioner has her other son namely Hav. Balbir Singh to look after her, no ground is made out for temporary release of the petitioner on parole.

Accordingly, the writ petition filed by the petitioner is dismissed.

(S.S.SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

May 22, 2017
mohan

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No