

C.W.P. No. 10166 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 10166 of 2018

DATE OF DECISION:02.05.2018

Satnam Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sukhtej Singh Sandhu, Advocate
for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

DAYA CHAUDHARY, J.

The prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to release the petitioner on parole for a period of at least three months to take care of his pregnant wife, whose pregnancy is at high risk as per opinion given by the doctor and his first child, who is also not having good health as no other family member is there to look after them.

The petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of ten years with fine of ₹1 lac with default clause for offence punishable under Section 18 (b) of the NDPS Act in case FIR No. 107 dated 3.11.2015 registered at Police Station Sadar Sunam, District Sangrur by the trial Court. Aggrieved by judgment of

conviction and order of sentence, he filed criminal appeal before this Court, which is still pending adjudication after admission.

Learned counsel for the petitioner contends that the petitioner is inside the jail since lodging of the FIR i.e. 3.11.2015 and had undergone custody of more than two years and four months. He moved an application for grant of parole on the ground that his wife is pregnant and her pregnancy is at high risk and her expected date of delivery given by the doctor is 11.6.2018. There is no other person in the family to take care of his wife. Learned counsel also contends that even the first baby of the petitioner was born through C-Section (operation) and at that time also, his wife faced many difficulties and complications not only during period of pregnancy but at the time of birth of the child also, who is still not having good health. Learned counsel further contends that no action was taken on the application, which was sent through registered post on 9.4.2018 and the same is still pending.

In response to notice of motion, learned State counsel has verified the contents of the petition and about the pregnancy of wife of the petitioner. Learned State counsel contends that a detailed report was obtained regarding the facts mentioned in the petition and it was found that son of the petitioner is six years old and there is no adult member in the house. The sister of the petitioner is married and is residing at Delhi. The parents of the petitioner are in the age group of 75-80 years and they are residing at Fatehabad. Photocopies of the prescriptions of the doctor have also been shown during arguments.

On perusal of document annexed as Annexure P-1, it shows that it is a case of high risk pregnancy and expected date of delivery is

11.6.2018. The contents of the petition have been affirmed by learned State counsel as well. Moreover, there is no other family member except old parents, who are in the age group of 75-80 years. One child of six years of age is there and no adult member is there to look after the pregnant wife at the time of delivery.

By considering the past case of delivery and the opinion given by the Doctor, the present petition is allowed and the petitioner is directed to be released on parole for a period of six weeks subject to furnishing adequate surety to the satisfaction of jail authorities. The petitioner is also directed to surrender before the jail authorities on expiry of period of six weeks from the date of his release on parole.

May 02, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes