

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

CWP-26188-2018 (O&M)

Date of decision:11.12.2018

Bikram Singh

.....Petitioner

versus

State of Punjab and another

...Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. T.P.S. Bhatti, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Kuldeep Singh, J. (Oral)

Petitioner has filed this petition under Articles 226/227 of the Constitution of India for releasing him on parole under Punjab Good Conduct Prisoners (Temporary Release) Act, 1988 for a period of six months to enable himself to get the treatment of his heart ailment and piles treatment.

Petitioner was convicted under Section 21 of the NDPS Act and sentenced to undergo 12 years with addition to fine by learned Judge, Special Court, Amritsar vide judgment of conviction dated 10.04.2010. During this custody, he committed jail offence, for which he was awarded the sentence for rigorous imprisonment for one month in addition to fine. As per custody certificate dated 29.09.2018, he has already undergone actual sentence of 10 years, 04 months & 09 days, which means that now it is more than 10 years & 06 months. In this way, petitioner is nearer to completion of his sentence.

Petitioner alleges that he has suffered the heart ailment and he is also suffering from piles. It is stated that though, he was taken to PGI, but proper treatment was not given as the doctor was not available. Petitioner has annexed record of his ailment. The medical record produced by the petitioner shows that he is suffering from piles with bleeding. He has also got heart ailment.

Reply by way of affidavit of Rajiv Kumar Arora, PPS, Deputy Superintendent, Central Jail, Amritsar along with medical status report of Medical Officer, Central Jail, Amritsar (Annexure R-1), has been filed in Court today, is taken on record.

Medical status report of the petitioner shows that he was complaining for chest pain on 27.08.2018 and was taken to Guru Nanak Dev Hospital, Amritsar. He was discharged on 11.09.2018 and was referred to PGIMER, Chandigarh which has prescribed certain medicines. He was again taken to PGI on 21.11.2018. The prescription of the doctor shows that it is basically to avoid heart attack.

Considering that the petitioner has undergone more than about 10 years & 06 months , out of 12 years of imprisonment, I am of the view that the petitioner should be given a chance to get himself medically treated from private doctor so that he get continuous treatment for his heart ailment and piles. It being so, the petitioner is ordered to be released on parole for three months to get the treatment on furnishing surety bonds to the satisfaction of the District Magistrate concerned. However, if the petitioner shows that his ailment is not improving he can always seek further

extension which shall be considered independently based upon the documents and hearing the opposite party.

Accordingly, petition is allowed.

(KULDIP SINGH)
JUDGE

11.12.2018

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Whether speaking/ reasoned:	Yes
Whether Reportable:	No