

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27633 of 2018 (O&M)

Date of decision:22.11.2018

Isham Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ravinder Banger, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Kuldip Singh, J. (Oral)

The petitioner has approached this Court by filing this petition under Article 226/227 of Constitution of India for quashing of order dated 20.10.2018 (Annexure P-1) on the ground of earlier speaking order dated 20.08.2018 (Annexure P-2) passed by respondent No.4 was set aside.

The petitioner seeks four weeks emergency parole in FIR No.49 dated 25.03.2010 under Sections 302/34 of Indian Penal Code, registered at Police Station Sadar Ambala, District Ambala, as the petitioner is seriously ill due to paralysis attack.

I have heard learned counsel for the parties.

Learned counsel for the petitioner contends that the petitioner suffered a paralytic attack in August 2018. Therefore, he should be released on parole for four weeks.

Reply dated 12.11.2018, filed by of the State shows that the petitioner availed three weeks' emergency parole from 22.03.2018 to 13.04.2018 for medical treatment of his son. He also availed parole for house repair for four weeks from 20.02.2018 to 21.03.2018. He also availed

one furlough of three weeks in lieu of good conduct from 10.05.2018 to 01.06.2018. Therefore, he has already availed parole and furlough for ten weeks in one calendar year. The State has attached the report of the Medical Officer stating that the petitioner complained of right sided numbness on 19.08.2018 and he was referred to GMCH, Sector-32, Chandigarh for MRI brain. The State has also referred to the different dates on which he has taken to GMCH, Sector 32, Chandigarh for treatment. Presently, the petitioner is admitted in HI ward of the jail for better care and treatment. Special diet is being provided to the petitioner. The petitioner has also been provided a care taker. In view of the above, it is pleaded that proper care has been taken.

I am of the view that in the present calendar year, the petitioner has already availed sufficient parole. For suffered paralysis attack, he has been provided special treatment from GMCH, Sector-32, Chandigarh. He is being provided special diet and one care taker has also been provided to him. It being so, there is no ground to grant emergency parole on account of his illness beyond the provisions of “The Haryana Good Conduct Prisoners (Temporary Release Act) 1988”. If deemed proper, he can apply for parole in the coming year which is just one month away.

Accordingly, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

22.11.2018
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No