

CWP-3817-2019

[1]

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

**CWP No.3817 of 2019 (O&M)
Date of decision: March 14, 2019**

Angrej Singh

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to the respondents to release the petitioner on parole.

The petitioner is undergoing rigorous imprisonment for life in case FIR No.8 dated 25.1.2014 under Sections 302, 307, 324, 323, 148 and 149 IPC and Section 27 of the Arms Act, Police Station Mamdot, after his conviction. His appeal is pending adjudication before this Court.

The petitioner submitted an application to the Superintendent, Central Jail, Ferozepur for grant of parole to take proper medical treatment for his backache. No decision has been taken by the respondents on the request of the petitioner. Hence, this petition.

Learned counsel for the petitioner has stated that the petitioner is in custody since 2014 and he has been suffering from back problem since long. He

was given treatment in the Jail dispensary. But he did not get any relief. On the

direction of the Trial Court, the jail authorities started his treatment from Civil Hospital Ferozepur, from where he was referred to the GGS Medical College, Faridkot. But there is no relief in pain and the petitioner is unable to sit and sleep properly. His condition is deteriorating. He intends to get treatment from some private hospital at his own expense. The concerned authority has not taken any decision on his request for his temporary release on parole.

In the reply filed by Superintendent, Central Jail, Ferozepur, it has been stated that the jail authorities have provided the best possible medical treatment to the petitioner. As per the medical opinion given by the Civil Hospital Ferozepur, the petitioner was referred to GGS Medical College, Faridkot. In spite of the best medical treatment provided to him, the petitioner always complains of pain in his backbone. He cannot sit properly due to constant pain and wants to take medical treatment from a private hospital. Medical report of the Senior Medical Officer, Central Jail, Ferozepur has been annexed with the reply. It depicts that the petitioner is suffering from right leg pain (Sciatica) and low back pain. The pain arises from lower back and radiates to right lower leg. On 06.09.2018, he was admitted in Central Jail Hospital and given proper and regular treatment by injection and medicines, but he felt no relief from pain. On 26.9.2018 the petitioner was referred to GGS Medical College, Faridkot. X-ray of lower spine was taken. He was advised MRI (Magnetic Resonance Imaging). But the petitioner complained of pain regularly. On 3.10.2018, he was again referred to GGSMCH, Faridkot for MRI, which was done on the same day. MRI Report Showed “1. Shows diffuse disc bulge with right for animal & extra foraminal protrusion of L3, L4 disc. 2.Right Paracentral of L5-S1 disc and 3.Diffuse bulge of L4, L5 disc.”.

The aforesaid reveals that despite the best medical treatment provided to the petitioner by the Jail Authorities, his condition has not improved. In these circumstances, if the petitioner seeks to be treated at some specialised facility on his own expense there is no reason why he should not be permitted to do so and be not released on parole for the said purpose.

Accordingly, this petition is allowed. The respondents are directed to release the petitioner on parole for a period of six weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of six weeks of his release.

March 14, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No