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

**CWP No.5247 of 2019
Date of decision: 05.03.2019**

PARGAN SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kushaldeep S. Sandhu, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed for setting aside order dated 20.02.2019 (Annexure P-2) whereby the application of the petitioner for extension of parole has been rejected. Counsel further prays that respondents be issued directions to extend the parole of the petitioner on medical grounds for a further period of six weeks.

The petitioner has been convicted and sentenced to undergo rigorous imprisonment for life for offence under Section 302/34 IPC. His Criminal appeal and SLP had been dismissed. He was released on parole for six weeks vide order dated 21.01.2019, which period will expire on 08.03.2019. The petitioner is required to surrender before the jail authorities of Central Jail, Hoshiarpur, on or before 3:00 P.M. on 08.03.2019.

Learned counsel for the petitioner states that after his release on parole he got himself medically examined and was diagnosed with HDUN and Uretric stones. He was advised to undergo surgery immediately. The petitioner has undergone two surgeries. He is required to undergo one more surgery. There is also a mandatory post operative rest period for one month. The medical certificate issued by Kidney Hospital & Lifeline Medical Institute Jalandhar, where the petitioner is undergoing treatment is annexed as Annexure P-1.

The extension prayed for by the petitioner has been declined on the ground that there is no provision under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for extension of parole.

In the reply filed by the respondent – State it has been stated that the petitioner has been granted parole for the maximum period permissible. It is also asserted that the petitioner is required to surrender in jail on the expiry of the parole period. He would then be at liberty to get his operation conducted from the institution specified.

No doubt the petitioner has been released earlier on parole for a period of six weeks. However the petitioner is now seeking extension of parole on urgent medical grounds. It is not the case of the respondents that the earlier release of the peitioner was on medical grounds. In fact as per the petitioner his medical condition requiring urgent surgery was discovered when he underwent medical examinaiton after his release on parole. He has already undergone two surgeries. A third surgery is scheduled. In the medical certificate Annexure P-3 it is specifically mentioned that the petiioner needs urgent surgery and long delay may cause kidney damage.

Post operative stent will be required on both sides, which will be removed

after three weeks of surgery. Post operative one month rest is recommended.

It is not the case of the respondents that the medical condition of the petitioner would not entitle him for release on parole for his treatment. If that be so, in the facts of the present case, when the petitioner is in the midst of treatment for a serious ailment requiring three surgeries, of which he has undergone two and the third is scheduled, requiring him to first surrender before the jail authorities on expiry of the earlier parole and then releasing him on parole may not be proper as any interruption in his medical treatment may prove harmful.

Accordingly, this petition is allowed.

The parole period of the petitioner is extended by four weeks from 8.3.2019. He shall surrender before the Superintendent Jail, Hoshiarpur, on or before 5:00 P.M on 08.04.2019.

A copy of this order be supplied to learned counsel for the petitioner under the signatures of the Bench Secretary.

March 05, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No