

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

**CWP-6355-2019 (O&M)
Date of decision : 8.4.2019**

Sahab Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Gill, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Petitioner seeks quashing of the order dated 7.12.2018 (Annexure P-4), passed by respondent No. 3-The Jail Superintendent, District Jail, Karnal, District Karnal vide which emergency parole for four weeks to attend his ailing wife-Simarjit Kaur has been declined.

Heard learned counsel for the parties and perused the case file.

It comes out that petitioner is undergoing rigorous imprisonment for 15 years after his conviction under Section 18 of the NDPS Act vide judgment of conviction and order of sentence dated 26.9.2018/28.9.2018 passed by learned Judge, Special Court, Karnal. Earlier also, the petitioner was convicted under Section 15 of the NDPS Act and sentenced to undergo rigorous imprisonment for 10 years vide judgment of conviction and order of sentence dated 31.1.2011, passed by learned Judge, Special Court, Karnal. He is on bail in the said case.

Petitioner claims that his wife-Simranjit Kaur is suffering from DUB with Menorrhagia and Mass Rt. Breast and is taking treatment from Chaudhary Medical and Maternity Hospital, Karnal on routine basis.

State in the reply has taken the plea that petitioner falls in the category of hardcore prisoner. He has not completed 05 years imprisonment including custody period during trial. Therefore, his application for parole was rightly declined. At the same time, State has also submitted the verification report dated 14.3.2019 by SHO, P.S. Assandh (Annexure R-3/T) along with the medical report dated 28.2.2019 (Annexure R-5/T).

Petitioner seeks emergency parole on account of illness of his wife. He claims that his wife-Simrajit Kaur is suffering from cancer.

The State has got the verification done from the SHO, P.S. Assandh and the SHO vide report Annexure R-3/T has reported that wife-Simarjit Kaur is suffering from cancer and is undergoing treatment from Madhu Chaudhary Hospital, Karnal & Ambala Sehjadpur. It is further reported that one of the brother of the petitioner is in Coma after getting injuries during quarrel in village. It is also reported that his other brother lost one eye in the quarrel in the year 2017.

Considering that it is an emergency situation and the wife-Simarjit Kaur is suffering from Cancer which needs immediate treatment, the presence of the petitioner is required to look after his wife and get the operation conducted.

As such, present petition is allowed and the impugned order dated 7.12.2018 (Annexure P-4), passed by respondent No. 3-The Jail Superintendent, District Jail, Karnal, District Karnal is hereby set aside. Petitioner is ordered to be released on emergency parole for a period of four weeks for the purpose of operation of his wife-Simarjit Kaur. He be released on furnishing adequate surety to the satisfaction of the Divisional Commissioner concerned.

Keeping in view the medical emergency, the Divisional Commissioner concerned shall release the petitioner notwithstanding the election code of conduct.

Disposed of.

(KULDIP SINGH)
JUDGE

8.4.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No