

CWP-6524-2019

[1]

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

**CWP No.6524 of 2019 (O&M)
Date of decision: March 15, 2019**

Sukha Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to extend the parole of the petitioner.

The petitioner is undergoing sentence of imprisonment for ten years under the Narcotic Drugs and Psychotropic Substances Act, 1985 after his conviction and sentence by the Trial Court. His appeal is stated to be pending adjudication before this Court.

Vide order dated 01.02.2019 of Superintendent, Central Jail, Bathinda, he was released on parole for six weeks (01.02.2019 to 16.03.2019). He is required to report back on 16.03.2019 at 3.00 PM before the Superintendent, Central Jail, Bathinda.

Learned counsel for the petitioner states that after his release on parole he noticed that medical condition of his wife has been worsening. He immediately took her to the Civil Hospital, Lehragaga. The doctors found that she is having

gynecological problem and that her medical condition has worsened after her earlier abortion. Her uterus is required to be removed by performing an operation. The medical prescription issued by the Civil Hospital is Annexure P-2.

Notice of motion was issued and a reply by way of short affidavit of Manjit Singh, Deputy Superintendent, Central Jail, Bathinda has been filed., stating that the petitioner is presently on parole from 01.02.2019 to 16.03.2019 as per order of District Magistrate, Sangrur and has to surrender back to jail authorities on 16.03.2019.

No doubt the petitioner has earlier been released on parole for a period of six weeks. However the petitioner is now seeking extension of parole on the ground that his wife needs urgent medical treatment. It is not the case of the respondents that the earlier release of the petitioner was for the said purpose. In fact as per the petitioner the condition of his wife has been worsening after the earlier abortion and the doctors have advised surgery for removal of her uterus. It is further his case that his father had already expired in 1996 and his mother is aged about 84 years, who herself needs an attendant. The only son of the petitioner is aged about 4 years, who also needs to taken care of. He states that he is the only male member in the family to look after his wife in such a medical emergency.

In the facts of the present case, when the wife of the petitioner has to urgently undergo a surgery, requiring him to first surrender before the jail authorities on expiry of the earlier parole and then releasing him on parole to attend his wife may not be proper as any interruption or delay in the medical treatment of her wife may result in deterioration in her health.

Accordingly, this petition is allowed.

The parole period of the petitioner is extended by four weeks from 16.3.2019. He shall surrender before the Superintendent, Central Jail, Bathinda on or before 5:00 P.M on 15.04.2019.

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

March 15, 2019

(**HARINDER SINGH SIDHU**)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No