

CWP-6646-2019

[1]

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

**CWP No.6646 of 2019 (O&M)
Date of decision: March 15, 2019**

Mohinder Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Krishan Singh Dadwal, 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 life imprisonment after his conviction and sentence by the Court for offence under Section 302 vide judgment dated 15.3.2018. His appeal (CRA-D-355-DB-2018) is pending adjudication before this Court.

He was released on parole for six weeks (01.02.2019 to 16.03.2019) vide order dated 01.02.2019 (Annexure P-1) of the Deputy Superintendent, Central Jail, Hoshiarpur.

It is stated that when the petitioner was out on parole, all of sudden on 09.02.2019, he became unconscious and was taken to Sacred Heart Hospital, Jalandhar. He was diagnosed with Renal Tubular Acidosis (RTA) and was admitted in Neuro ICU in unconscious condition and was put on Ventilator support. He is stated to be on Ventilator support till date. As per the medical certificate dated 09.02.2019 issued by the Sacred Heart Hospital, Mazsudan, G.T.Road, Jalandhar (Annexure P-2), the petitioner requires intermittent ventilator support and intensive care and management for further

two months. Based on his medical condition it is prayed that his parole be extended by

two months, to enable him to recover by getting proper treatment.

Notice of motion was issued on 12.03.2019. Learned State Counsel states that the medical condition of the petitioner and his admission has been verified and is not disputed.

It is not the case of the respondents that in view of his medical condition he would not be entitled for release on parole for his treatment. If that be so, in the facts of the present case, when the petitioner is critically ill and the medical opinion suggests that he requires intermittent ventilator support and intensive care and management for further two months, 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 six weeks from 16.03.2019. He shall surrender before the Superintendent, Central Jail, Hoshiarpur, on or before 5:00 P.M on 30.04.2019.

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