

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10173-2019

Date of Decision:-21.08.2019.

Mukhtiar Singh @ Tari

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Charanpreet Singh, Advocate for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J. (Oral)

1. Prayer in this petition is for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 11.04.2019 (P-3) passed by the Superintendent, Central Jail, Hoshiarpur, whereby request of the petitioner for extension of parole has been denied and also a consequential prayer is made for a writ in the nature of mandamus directing the respondents to extend the period of parole granted by the Deputy Commissioner, Hoshiarpur vide order dated 27.02.2019.

2. The petitioner has been convicted and sentenced for 12 years under Section 15 of the NDPS Act in FIR No.83 dated 9.8.2013, registered at Police Station Mehtiana, District Hoshiarpur. Criminal appeal against the said conviction order is pending in this Court.

3. The petitioner was granted parole for four weeks from 28.02.2019 to 12.04.2019 by the Deputy Commissioner, Hoshiarpur vide order dated 27.02.2019 on the ground of medical treatment of his wife. He

had surrender back in Central Jail, Hoshiarpur on 12.04.2019 at 3 PM.

4. This Court on 12.04.2019 passed the following order:-

“It is submitted that the petitioner was afforded parole till today i.e., 12.04.2019. He had submitted an application for extension of parole before the jail authorities. The concerned Jail Superintendent was directed to decide the petitioner's application within two days vide order dated 08.04.2019 in CWP No.9328 of 2019. It is submitted that the petitioner's application has been wrongly dismissed vide order dated 11.04.2019 (Annexure P3). Petitioner's wife has undergone surgery on 10.04.2019 and he seeks extension for another two weeks.

Notice of motion.

Mr. Arun Kaundal, Deputy Advocate General, Punjab accepts notice on behalf of the respondents. Three copies of the paperbook be supplied to learned counsel for the State during the course of the day.

Learned counsel for the State prays for some time to file reply/address arguments after seeking instructions.

List on 15.04.2019.

In the meanwhile, parole granted to the petitioner is extended till 15.04.2019. Bail bonds and surety already furnished by him shall remain operative till then”.

The above interim directions dated 12.04.2019 were ordered to be continued by subsequent orders dated 15.04.2019, 23.04.2019 and 26.07.2019.

5. Learned State counsel argues that the petitioner was not entitled to extension of his parole period as there is no provision for extension of parole in the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (amended in 2016).

6. Learned counsel for the petitioner submits that the wife of the petitioner is ailing as she was suffering from acute Appendicitis and she was advised surgery of Appendicectomy on 10.04.2019. Be that as it may, the petitioner was allowed extension in parole by this Court and purpose of

parole i.e. treatment of wife of the petitioner is over. However, learned counsel now submits that the petitioner aged about 60 years is a diabetic and suffering from Diabetic Feet infection resulting in a sore wound. He has produced some documents of a private hospital in Jalandhar showing that the petitioner is admitted in ICU. He prays that the parole period of the petitioner be extended further. This is not a condition which cannot be treated by the jail doctors or local govt. clinics.

7. After hearing the learned counsel for the parties, prayer for further extension of the parole is declined as there is no medical emergency. On the statement of learned counsel for the petitioner, the instant petition is dismissed directing the petitioner to surrender before the jail authorities forthwith with liberty to make an application for parole on the ground of his diabetic feet. However, the jail authorities shall ensure that the petitioner is given adequate medical treatment in jail or elsewhere as deemed necessary on medical advice.

8. Needless to say that in case the petitioner surrenders and makes an application in this regard, the same be decided expeditiously without delay keeping in view the medical report of the petitioner.

9. The present petition is dismissed with the above observations

(RAJIV NARAIN RAINA)
JUDGE

August 21, 2019.
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Whether speaking/reasoned:-

Yes

Whether Reportable:-

Yes / No.