

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

CWP-17256-2019 (O&M)

Date of decision : 1.7.2019

Vijender Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Petitioner, who is undergoing life imprisonment in a murder case and is presently on furlough from 18.6.2019 to 2.7.2019, seeks extension of parole/furlough for two months to enable him to undergo treatment of third stage of cancer.

It is stated that the petitioner was suffering from cancer. His Biopsy has been done and it is found that he is suffering from cancer of 3rd stage. He needs to undergo Chemo Therapy treatment which requires complete follow up treatment. He is undergoing Chemo Therapy and Radio Therapy in the Achara Tulsi Regional Cancer Treatment and Research Institute (Regional Cancer Centre), Bikaner. Therefore, he needs 45 days of Chemo Therapy with regular interval from 19.6.2019 to 2.8.2019 as recommended by the said institute of Bikaner.

Short reply by way of affidavit of Sher Singh, Superintendent of Prison, District Prison, Karnal on behalf of respondents No. 1 to 3 filed

in Court today is taken on record. In the reply, the disease suffered by the petitioner is not denied. It is also not denied that petitioner is on furlough from 18.6.2019 to 2.7.2019. State along with the reply has attached the certificate of Medical Officer, District Prison, Karnal dated 7.6.2019 (Annexure R-1) who has recommended that there seems to be need of urgent treatment in view of the medical certificate issued by Achara Tulsi Regional Cancer Treatment and Research Institute (Regional Cancer Centre), Bikaner. Therefore, he needs followup treatment from 19.6.2019 to 2.8.2019.

Learned State counsel contends that under Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Rules 2007, parole/furlough cannot be extended except as provided under the Act.

I am of the view that where there is a medical emergency and the same is admitted by the State Government and rather recommended by the doctor of the District Prison, it is appropriate case where the powers under Article 226 of the Constitution of India should be exercised to extend the furlough/parole.

As such, parole/furlough granted to the petitioner which is going to expire on 2.7.2019 is extended till 16.8.2019 to enable him to get the medical treatment for cancer.

Petition is allowed accordingly.

(KULDIP SINGH)
JUDGE

1.7.2019
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