

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

Date of decision: 29.08.2019

CWP No.21279 of 2019

Bhoop Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order dated 22.07.2019 passed by the Commissioner, Karnal Division, Karnal by which request of the petitioner for grant of parole for treatment of his ailing wife was declined.

2. Initially, the petitioner was convicted and sentenced to undergo life imprisonment in case FIR No.334 dated 30.07.2001. However, in appeal his sentence was reduced to undergo rigorous imprisonment for 10 years under Section 304-II IPC.

3. A perusal of the impugned order as well as the reply filed by the State today, which is taken on record, shows that his case for parole is declined on the grounds that he has not completed one year of his imprisonment after conviction and has not earned his first annual good conduct remission and that there is no such provision for grant of parole for treatment of ailing wife.

4. Having heard Mr. Randeep S. Dhull and Mr. Sourabh Mohunta, DAG, Haryana, I am of the view that this is not a case in which parole should be denied to the petitioner to enable him to remain present with his ailing wife. There is nothing in the reply that if the petitioner is released on parole, he will abscond. It has not been reported that the conduct of the petitioner in jail is not satisfactory. It is neither the case of the respondents nor it is stated that there is apprehension of a threat to the security of the State or maintenance of public order. The fact that the wife of the petitioner has been diagnosed with swelling in right side of breast, which the doctor suspects to be breast cancer, is not disputed by the respondents.

5. In view thereof, the petition is allowed and the impugned order dated 22.07.2019 is set aside. Petitioner is ordered to be released on parole for four weeks to enable him to attend his ailing wife on furnishing adequate surety to the satisfaction of the District Magistrate concerned. It shall be open to the State to impose adequate condition/s to ensure that the petitioner does not indulge in any other crime during parole.

6. Petition stands allowed accordingly.

29.08.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>