

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

**CWP No. 23035 of 2019
Date of Decision: 28.08.2019**

Subhash Chand

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The present petition is filed under Article 226/227 of the Constitution of India for directing the respondents to release the petitioner on parole for a period of 04 weeks on medical grounds as the petitioner has to undergo surgery.

2. The petitioner is serving life imprisonment for murder. He has undergone almost 10 years of life imprisonment awarded. The conviction and sentence has been affirmed up to the Supreme Court. He has never applied for parole but has been granted the benefit of furlough 03 or 04 times. His jail record is good and nothing adverse is recorded on his conduct in prison. He has been operated recently on 19.08.2019 for a prostate problem with the surgical procedure involving Bladder Neck Incision + optical internal urethrotomy. Medical report is at Annex. P-2. The surgery was conducted during the furlough period

which expired on 22.08.2019. The petitioner surrendered in District Jail, Faridabad on a wheel-chair with a catheter in his urinary tract. Treatment is continuing.

3. Upon surrendering, the petitioner moved an application for grant of parole before the Superintendent, District Jail, Faridabad but that has been turned down by the authorities. It has been averred that due to precarious medical condition he was taken to Safdarjung Hospital, New Delhi on 22.08.2019 and then brought back to District Jail Faridabad. The surgery has been performed at Metro Heart Institute with Multispeciality, Faridabad. He has approached this Court for parole for a period of 04 weeks. No impugned order has been passed or conveyed to the petitioner.

4. Issuing notice to the State in this case involves loss of time and accordingly, this petition is disposed of with the direction to the Deputy Commissioner-cum-District Magistrate, Faridabad to consider and decide the application of the petitioner for parole within 03 days from the date when the papers are placed on his table or conveyed by the petitioner through his family members or his counsel. The Deputy Commissioner-cum-District Magistrate, Faridabad is at liberty to call for a medical report from doctors on the panel of the jail and the hospital last attended to inform him of the medical condition of the petitioner and the inconvenience which may be caused to the prisoner with the catheter inserted in his bladder while lodged in jail. Let the

decision be taken and conveyed to the petitioner immediately. The Deputy Commissioner-cum-District Magistrate, Faridabad would pay due regard to the observations made by the Supreme Court in Asfaq Vs. State of Rajasthan and others, AIR 2017 SC 4986 in matters involving parole and furlough and the guiding principles indicated therein but not the result of that case in terms of relief.

5. With these observations and directions, the present petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

28.08.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*