

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

CRWP No.161 of 2020

Date of decision : 17.01.2020

Taqdir

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present : Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Sunil Kumar Vashisth, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed for seeking direction to extend the period of agricultural parole for further three weeks under Section 3 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

In response to the notice of motion, reply on behalf of the respondents has been filed in the Court today and the same is taken on record. It has been mentioned in the reply that earlier the petitioner filed CWP No.17946 of 2019 seeking extension of parole, which was dismissed vide order dated 16.07.2019. Thereafter, he approached Hon'ble the Apex Court by moving IA No.100789 of 2019 in Criminal appeal No.1537 of 2018, which was also dismissed vide order dated 20.09.2019. Thereafter, the present petition has been filed for extension of period for parole granted for agricultural purpose.

Learned counsel for the petitioner submits that during the period of parole, the petitioner suffered with some medical problem and he was got admitted in the hospital. He is not in a position to move and due to that reason, the extension of parole, which was earlier granted for agricultural purpose, has been sought.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. We have also perused the documents annexed with the reply filed on behalf of the respondent-State.

Admittedly, earlier petition *i.e.* CWP No.17946 of 2019 was disposed of with the direction to the petitioner to surrender before the jail authorities on 17.07.2019. A liberty was also given that in case of any medical problem, he shall be examined by Medical Board to find out as to whether he was medically unfit and needs treatment. It was also mentioned that in case any disease was there and treatment thereof was available in the jail, the same be given. In case the treatment was not available, then the jail authorities were directed to take necessary steps for the treatment. Thereafter, the petitioner approached Hon'ble the Apex Court by filing IA No.100789 of 2019 in Criminal appeal No.1537 of 2018, which was dismissed vide order dated 20.09.2019 with the observation that no case was made out for release of the appellant on parole on medical grounds. A direction was also issued for hearing of the appeal itself in the second week of February, 2020. After dismissal of said application by Hon'ble the Apex Court, the petitioner has filed the present petition for extension of period of parole, which was earlier granted for agricultural purpose.

While issuing notice of motion in the case, the period of parole

was extended. On perusal of all the documents made available before Hon'ble the Apex Court while filing the interim application, in the earlier as well as in the present petition, it is clear that different stands have been taken by the petitioner. He approached Hon'ble the Apex Court for grant of parole on medical ground, which has also been dismissed. In case the petitioner is suffering from serious ailments and is not in a position to move, then his stand for availing parole on the ground of agricultural purpose appears to be false. Still, we do not want to comment anything as the petitioner is not entitled for any extension of the period of parole, which was earlier granted for agricultural purpose.

Accordingly, this petition is dismissed. The petitioner is directed to surrender before the jail authorities by tomorrow. However, in case of any serious medical problem, the jail authorities are directed to make arrangement for diagnose of the petitioner by the doctor in the jail. In case of some serious medical problem, if pointed out by the jail doctor, then the petitioner can move fresh application for parole on medical ground.

(DAYA CHAUDHARY)
JUDGE

Dated : 17.01.2020
sunil yadav

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No