

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

CRWP-5315-2020

Date of decision : 02.09.2020

Jaswinder Singh Dosanjh

..... Petitioner

versus

State of Punjab and others

..... Respondent

CORAM : HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms.Bandana Trikha, Advocate for the petitioner.

Mr.H.S.Sullar, DAG, Punjab.

(The proceedings are being conducted through Video
Conferencing as per instructions).

G.S.SANDHAWALIA, J. (ORAL)

The petitioner seeks directions to the State Government to release him on parole on medical grounds for six weeks on account of the fact that he needs to be on the bed side of his father being the only son.

It is his case that he was convicted by the Central Criminal Court, London on 03.03.2004 for life imprisonment with minimum term of 23 years. Same was reduced by the Court of Appeal Criminal Division on 30.11.2005 to 21 years. He was transferred to India under the Prison Transfer Agreement between India and U.K. Act, 2005 to undergo balance sentence of life imprisonment for 14 years. It has been averred that an application was submitted by his mother Rash Pal Kaur to the Superintendent, Central Jail, Ferozepur Annexure P-4 regarding the aspect that she could not handle the case of her husband alone as there is no other

family member to take care of him.

Respondents have filed reply thereto and the said facts have also been admitted. It has also been mentioned that he has availed the benefit of parole from time to time. However, in view of letter dated 16.04.2020 (Annexure R-1) issued by the Addl.Deputy General of Police, Punjab, Chandigarh that those convicts who have been repatriated from foreign countries and presently confined in Punjab State it was advised not to extend/process the facility till the opinion of the Central Government was taken. The respondents are thus not inclined as such to act on the claim for release on emergency parole.

Directions had also been issued to the State to verify the medical condition of the father of the petitioner on an earlier date. The status report by way of affidavit of Sh.Davinder Kumar,PPS, Deputy Superintendent of Police, Sub Division Phillaur, Jalandhar has also been filed. In the said report it has been confirmed that the mother of the petitioner is Rashpal Kaur who has undergone surgery for back pain and the father of the petitioner namely Baldev Singh is paralytic since 2 1/2-3 years and he is unable to move and is bed ridden. He was earlier taking treatment from DMC Ludhiana and presently taking treatment from Doaba Hospital Mehatpur. Petitioner's brother Davinder Singh and sister Paramjeet Kaur are stated to be living in England with their respective families. The wife of the petitioner, Srishti is living in her parental home at Nakodar. The certificate of Doaba Hospital and Maternity Home has also been appended certifying that father of the petitioner namely Baldev Singh had come to the emergency of the hospital on 17.07.2020 with complaint of slurring speech, sweating, HT and H/O left side hemiplegia and on 31.08.2020 in OPD for

follow up and advice for routine MRI.

In such circumstances this Court is of the opinion that though the petitioner was earlier also on parole from 20.02.2020 for 8 weeks but the same has been extended in view of the order of the Supreme Court but he had surrendered on 16.06.2020 which is clear from the communication dated 18.06.2020 wherein he had sought extension of the parole. However, the emergency as such is apparent from the fact that the petitioner does not have any other family members who are willing to take care of his ailing father. In such circumstances a case for emergency parole is made out. No useful purpose would be served by asking the State to take a decision in view of the letter dated 16.04.2020 (Annexure -1).

Keeping in view the peculiar facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on emergency parole for a period of 30 days subject to his furnishing requisite bonds to the satisfaction of the competent authorities/District Magistrate. The petitioner shall surrender before the said authorities on the completion of the said period.

(G.S.SANDHAWALIA)
JUDGE

02.09.2020
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No