

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 2115 of 2021 (O&M)

Date of decision : 3.3.2021

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Krishan Lal Goyal

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

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

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

By way of filing the present criminal writ petition, under Articles 226 and 227 of the Constitution of India, read with Section 3 sub-Sections (1) (a), 6 and 7 of the Haryana Good Conduct Prisoners (Temporary Release), Act, 1988 and Rule 6 of Haryana Good Conduct Prisoners (Temporary Release), Rules, 2007, petitioner – Krishan Lal Goyal son of Ram Chander, aged about 73 years, sentenced to undergo life imprisonment in FIR No. 211 dated 2.12.1980, for offence under Sections 302, 307, 328, 326, 420, 465, 467, 109, 120-B IPC and Section 61/1/14 of Excise Act, registered at Police Station Kalanwali, Sirsa, District Sirsa and lodged in District

Jail, Sirsa, Haryana, who as per recommendation of High Power Committee, constituted to decongest the jails in view of Covid-19 situation, had been granted temporary parole, requiring him to surrender in the jail on 5.3.2021, seeks extension of said parole, for a further period of two months. The ground taken in the petition is that during the temporary release period, the petitioner underwent Laproscopic Mini-Gastric Bypass surgery on 6.2.2021 at Kular Multispecialty Hospital, Ludhiana, since he was overweight and was having several consequent complications in health and he is still under treatment and has been advised bed rest for another 8 weeks. Therefore, his surrender be deferred.

Notice of motion.

At this stage, Mr. Tanuj Sharma, AAG, Haryana, has accepted notice on behalf of the State.

I have heard learned counsel for the Petitioner, learned State counsel, besides going through the record and I find that the petition is doomed for dismissal.

The petitioner having been granted temporary release of parole upto 4.3.2021, requiring him to surrender in the jail on 5.3.2021, it does not come out that there was any emergency or urgency for him to undergo the Laproscopic Mini-Gastric Bypass surgery on 6.2.2021. It appears that it was an intentional and deliberate act on his part so as to make out a case for extension of parole. If the petition is allowed, that would amount to allowing a clever petitioner to succeed in his designs, so that he can get the

period of his parole extended for such like reasons. Therefore, the surrender of the Petitioner in District Jail, Sirsa, cannot be deferred and he is bound to do so. Adequate medical facilities are normally available in each District Jail in the region and if for any reason, facilities are found to be deficient, then the jail inmate is taken to local Civil Hospital or other medical institution having better medical facilities. However, in case of need, such inmate can be shifted to higher medical institution, situated at some other nearby place.

Therefore, the petition is dismissed.

It is observed that in case the petitioner finds that medical facilities provided to him, during post-operative period, are not satisfactory, then he may approach the Court again in that regard and after getting report from the jail authorities/Government doctors, necessary order in that regard can be passed.

3.3.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No