

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

106+223

CRWP no.2312 of 2021 (O&M)

Date of decision:26.3.2021

Shakuntla

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.H.S.Jaswal, Advocate,
for the petitioner
Mr.Vikas Bhardwaj, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

CRM-W-438 of 2021

Vide this application, the applicant-petitioner seeks to place on record a copy of the certificate dated 18.3.2021 issued by the Medical Board, Civil Hospital, Jagadhari, as Annexure P-6, with the accompanying petition.

Notice in the application.

Mr.Vikas Bhardwaj, learned AAG, Haryana, accepts notice at the asking of the court.

A copy of the application be e-mailed to him today itself by learned counsel for the applicant-petitioner.

The application is allowed subject to all just exceptions and the copy of the aforesaid certificate is ordered to be taken on record as Annexure P-6 with the accompanying petition.

CRWP-2312 of 2021

On 12.3.2021, the following order had been passed by this court, reproducing therein the order earlier passed on 5.3.2021:-

“On 05.03.2021 the following order had been passed by this court:-

Case heard via video conferencing.

By this petition, the petitioner seeks extension of the parole granted to her, with her to surrender before the jail authorities on 06.03.2021, i.e. tomorrow.

Learned counsel for the petitioner points to the certificate issued by Dr. Pardeep Chopra, M.B.B.S., M.S. (Surgery), of Pardeep Hospital, Jaswant Colony, Near Kamani Chowk, Bye Pass Road, Yamuna Nagar, dated 03.03.2021, stating to the effect that the petitioner has undergone an operation for removable of a renal stone on 02.03.2021 and is still undergoing treatment in the said hospital.

Notice of motion.

On the asking of the court, Mr. Surender Singh, A.A.G., Haryana, accepts notice on behalf of the respondents.

A copy of the petition be emailed to him by learned counsel for the petitioner today itself.

Adjourned to 12.03.2021, with the parole extended till then.

Learned State counsel would have the correctness of the

aforesaid certificate verified.

To be shown in the urgent motion list.”

Today learned State counsel submits that as per his instructions (on the basis of a draft affidavit of the Deputy Superintendent, Jails, Yamuna Nagar, vetted by the office of the Advocate General, Haryana), the petitioner was advised one weeks' bed rest after her discharge from the hospital on 05.03.2021 and therefore, beyond today in any case, her parole would not be required to be extended.

However, learned counsel for the petitioner points to CRM-W-356 of 2021 as has been listed today, alongwith which a copy of another certificate of the aforesaid Pardeep Hospital, dated 10.03.2021, has been annexed, stating to the effect that the petitioner was in fact advised bed rest for 5 days from 05.03.2021 and that she came to the hospital on the 10th of March, 2021 and has been advised bed rest for ten days.

Learned counsel for the petitioner submits that actually the bed rest is on account of the fact that she is 66 years old and her stitches are to be removed today, i.e. 12.03.2021.

Without making any comment on the correctness of that certificate, which is obviously not from a medical officer from a Government Hospital, simply looking at the age of the petitioner and the fact that her surgery has been verified to be correct by the respondent State, the parole already granted to

the petitioner is ordered to be extended for ten days from today, i.e. upto 22.03.2021.

In the meanwhile, she will get herself examined from a Government Medical Hospital in Yamuna Nagar and a certificate of a competent medical officer, with regard to her medical condition and any removal of stitches etc., shall be placed on record by the next date of hearing, failing which this petition shall be liable to be dismissed with very heavy costs.

It is also to be noticed that learned State counsel has submitted that she has approached this court directly without seeking extension of parole before the competent authority.

Learned counsel for the petitioner however counters by stating that upon her having approached the Jail Superintendent, he had orally informed her that he had no power to do so. (Obviously she was required to make an application to the District Magistrate).

Adjourned to 26.03.2021.”

As per the certificate (Annexure P-6), the petitioner on examination by the Medical Board was found to be in a 'fair' general condition with her vitals stable and with her also being ambulatory. There was no discharge or tenderness also found and with the scar (seemingly from the sketches) also found to be healthy.

Obviously therefore the petitioner is well recovered and learned counsel for the petitioner submits that she has also surrendered before the

jail authorities.

That being so, this petition has been rendered infructuous and is disposed of as such.

26.3.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No