

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6262-2021

Date of Decision:09.07.2021

Sukhbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.Sandeep Siwach, Advocate,
for the petitioner.

Mr. Vivek Saini, Addl. A.G., Haryana

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the petitioner on emergency parole for a period of four weeks for treatment of his ailing wife.

The petitioner was tried in FIR No.645 dated 24.08.2015 registered under Sections 364-A, 328, 420, 468, 471 and 473 34 IPC at Police Station City Thanesar, District Kurukshetra and accordingly, he has been convicted and sentenced for life imprisonment vide judgment dated 25.04.2019. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the petitioner has undergone more than 5 years and 6 years of his actual sentence. He further submits that his wife and two minor children are living alone in the

village. He next submits that the doctor has advised for surgery of his wife as soon as possible for treatment of tumor in uterus. He also submits that physical presence of the petitioner is required to get her wife operated and to look after her as there is no other male member in the family. Finally, he prays for granting emergency parole to the petitioner for four weeks.

Notice of motion.

On the asking of Court, Mr. Vivek Saini, Addl. A.G., Haryana, accepts notice. Copy supplied.

This Court has heard the learned counsel for the parties and perused the case file.

From the perusal of case file, it would reveal that no representation/application has been moved by the petitioner to the competent authority for granting emergency parole. Further, he has not placed on record any medical record of his wife.

Keeping in view the aforesaid facts and circumstances of the case and without going into the merits of the case, the present criminal writ petition is disposed of with a direction to the petitioner to move an application/representation for grant of emergency parole before the competent authorities, who shall examine and decide the same within one month from the date of receipt of a copy of this order after ascertaining the medical condition of the wife of the petitioner as per the relevant provisions of the Haryana Good Conduct Prisoners (Temporary Release), Act, 1988.

Disposed of, accordingly.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

09.07.2021

mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO