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

CRWP NO.9310 of 2021
Date of Decision: 30.09.2021

SUNIL

....PETITIONER..

Versus

STATE OF HARYANA AND ORS.

....RESPONDENTS..

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

Present : Mr. Balraj Singh Dhull, Advocate,
for the petitioner.

Mr. Vivek Saini, Addl. Advocate General, Haryana.

SANT PARKASH , J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

Instant petition has been filed under Article 226 of the Constitution of India for issuance of direction to respondents to release the petitioner on parole for 60 days to look after his widow mother, who is suffering from cancer and to arrange money for her treatment.

The petitioner was tried in FIR No.196 dated 21.08.2017 registered under Sections 302, 341 IPC and Section 25 of the Arms Act, at Police Station Kalayat and accordingly, he had been convicted and sentenced to undergo imprisonment for life. Against the judgment of conviction and order of sentence, the petitioner filed an appeal before this Court, which is still pending for final adjudication.

Learned counsel for the petitioner submits that the mother of the petitioner is suffering from cancer and her condition is very critical. There is nobody in the family except the petitioner as his father has already died. Moreover, there is no source of income and her mother needs regular medical checkup.

Learned counsel further submits that the petitioner has already moved an application for parole on 03.09.2021 on the same ground but no action has been taken so far. The mother of the petitioner also moved several applications by hand including latest one dated 08.09.2021 (Annexure P-1) to Superintendent of District Jail, Kaithal but till date no action has been taken.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition.

After having heard learned counsel for the parties and perusing the paper book, we are not inclined to extend the benefit of parole to the present petitioner.

The solitary ground for seeking parole is to make arrangement of money and to look after his mother, who is suffering from cancer, does not appeal to logic at all and cannot be said to be a justifiable/sufficient ground for granting the concession of parole to the accused, who has been convicted in a murder case. Moreover, this fact is duly mentioned in the petition itself that the mother of the petitioner moved several applications by hand to Superintendent of District Jail, Kaithal and this Court is of the view that when the mother of the petitioner can move several

applications before respondent No.4 by hand then she can certainly go to hospital for regular medical checkup. Moreover, there must be other relatives in the family of the petitioner and in our considered opinion, they can certainly take care of the mother of the petitioner.

Otherwise also, a complete procedure and mechanism has been provided under the Act/Rules seeking concession of parole and the mother of the petitioner has already moved application (Annexure P-1) before respondent No.4.

In view of this fact, it would be desirable if the competent authority takes its decision on the application (Annexure P-1) in accordance with law within a reasonable time.

Accordingly, finding no sufficient ground in the present petition, the same is dismissed with the above terms.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

30.09.2021
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whether speaking/reasoned: Yes/No
whether reportable: Yes/No