

BHINDER SINGH @ PALVINDER SINGH @ CHUHI
... PETITIONER

VS

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Khatri, Advocate for the petitioner.

Mr. H.S.Sullar, Deputy Advocate General, Punjab.

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JITENDRA CHAUHAN, J. (ORAL)

The matter has been taken up through video conferencing in the light of the pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Articles 226/227 of the Constitution of India is for grant of eight weeks parole for treatment of the mother of the petitioner who is suffering from liver disease with jaundice and severe urinary track infection. The petitioner was convicted and sentenced by learned trial Court vide its judgment and order dated 19.8.2015 to undergo rigorous imprisonment for a period of 20 years in Complaint case registered under Sections 21, 23, 25, 27-A, 28, 29, 60 of NDPS Act, 1985.

Status report dated 8.2.2021 on behalf of respondent Nos. 1, 2, 3 and 6 has been circulated by the learned State counsel in the Court today through E-mail and the same is taken on record.

Learned counsel for the petitioner submits that the petitioner is in continuous custody for the last approximately seven years. He is not a hardcore prisoner. No recovery was effected from him. However, on the

disclosure statement, recovery of 200 gms of heroin has been shown to be effected from the petitioner which is not a commercial quantity. Co-accused of the petitioner, namely, Gurmit Singh @ Gopi has been granted the concession of parole on various occasions by this Court. The petitioner has always maintained good conduct inside the jail.

Learned State counsel submits that the petitioner is a habitual offender and is involved in three more cases i.e. FIR No. 14 of 2017 registered under Sections 420 of IPC & 42/52-A of Prison Act, Police Station Gate Hakima, Amritsar, FIR No. 101 of 2007 registered under Section 323 of IPC, Police Station Bhikhiwind and complaint case under Sections 452, 326, 324, 323, 148, 149 of IPC registered at Police Station Bhikhiwind. The petitioner has also been convicted in Sessions Case No. 52 of 2011, under Section 21 (c), 23 (c), 29 of NDPS Act, Police Station DRI and was sentenced to undergo a RI for 20 years vide order dated 19.8.2015.

Heard.

We find that two of the FIRs are under IPC whereas another FIR is under NDPS Act, wherein the sentence of the petitioner has already been suspended. The petitioner is on bail in the complaint case. In FIR No. 101 of 2007, the petitioner has been ordered to be released from custody by the learned trial court vide order dated 16.12.2013, whereas the petitioner is suffering trial in FIR No.14 of 2017.

The medical history of the mother of the petitioner (Annexure P-7) indicates that mother of the petitioner is a chronic patient of liver disease and jaundice. While under treatment, she was also diagnosed as case of severe urinary track infection. Taking into account seriousness of her disease, the Doctor has suggested good family care and treatment to save her

life. Whereas, in the reply it has been stated that the documents are not sufficient enough to comment on the full current medical condition of the patient for medico-legal purposes, except that the mother of the petitioner has been taking treatment for her ailment. The respondents ought to have made an effort to seek the opinion regarding the medical status of the mother of the petitioner.

Considering the above, the present petition is allowed and the petitioner is granted eight weeks parole, subject to his furnishing indemnity bond in the sum of Rs.50,000/- with two local sureties of the like amount to the satisfaction of the competent authority/Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

18.2.2021
Janki