

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

117

CRWP-12380 of 2021

Date of decision :-31.12.2021

Kulvir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab, for the respondents.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Article 226/227 of the Constitution of India, the petitioner is seeking extension of order dated 15.12.2021, Annexure P-2, passed by respondent No.3, granting 15 days parole to the petitioner, by a further period of 08 weeks, keeping in view his health condition.

Petitioner has been convicted under Sections 489-B and 489-C, IPC and sentenced to undergo rigorous imprisonment for a period of 07 years and 05 years, respectively, besides deposit of fine alongwith default mechanism vide judgment dated 18.02.2020, Annexure P-1, passed by the learned Sessions Judge, Moga. Criminal Appeal, CRA-S No.1108-2020 filed by the petitioner challenging the said judgment is pending before this Court. By order dated 15.12.2021, Annexure P-2, the Deputy Superintendent, Central Jail, Faridkot granted parole to the petitioner for a period of 15 days in exercise of power under the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 with specific permission to go to village Buttar Kalan, District Moga, the native village of the petitioner.

Heard counsel for the parties.

Reliance has been placed upon an undated medical certificate, Annexure P-3, issued by Harbans Nursing Home and Maternity Hospital, Kot-Ise-Khan, to urge that the petitioner has medical issues. This Court is of the view that the issuance of certificate, Annexure P-3, regarding treatment of backache from a Nursing Hospital is suspicious. Though, the petitioner has been advised bed rest from 17.12.2021, yet, he is approaching this Court at the last minute and as per the parole order issued by the jail authorities, he is required to surrender in the evening today. Furthermore, it deserves to be noticed that the instant petition is supported by an affidavit of the petitioner which has been attested by a Notary in the presence of the petitioner at Chandigarh on 28.12.2021. It is, therefore, apparent that the petitioner has travelled from his native village to Chandigarh, probably by road, by covering a distance of 175 kms. This fact in itself is sufficient to reach at the conclusion that the backache complained of by the petitioner is only a guise to seek extension of time to surrender.

Petition being devoid of any merit and is ordered to be dismissed.

31.12.2021
Sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No