

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

CRWP-568-2022

Date of Decision:21.01.2022

Balwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present:- Mr. S.S. Brar, Advocate for the petitioner.
Mr. SPS Tinna, Addl. A.G. Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed seeking a mandamus to release the petitioner on parole for a period of four weeks on the ground of illness of mother namely Gurmail Kaur.

Pleadings on record would indicate that petitioner stands convicted vide judgment dated 03.11.2016 passed by the Trial Court/learned Additional Sessions Judge, Ludhiana in FIR No.197 dated 18.12.2013 under Sections 302, 323, 341, 34 IPC and 27/54/59 of Arms Act, registered at Police Station Sadar, District Ludhiana.

The appeal preferred by the petitioner against the judgment of conviction is admitted and pending consideration before this Court.

In para 4 of the petition it has been categorically averred that mother of the petitioner has been diagnosed with a medical condition of Chronic Renal Failure and is currently admitted to Daya Nand Medical College and Hospital, Ludhiana and is on ventilator support.

As per counsel, mother of the petitioner is virtually on the death bed.

The admission slip as also fee deposited slip issued by the Daya Nand Medical College and Hospital, Ludhiana, stands appended as Annexure P-3. It has further been submitted that the petitioner is the only son and father of the petitioner has already expired in the year 2008 and one elder sister namely Rajinder Kaur who is married and is currently staying separately in her matrimonial home.

Since an advance copy of the petition had already been served upon State of Punjab, Mr. SPS Tinna, Addl. A.G. Punjab, upon instructions from ASI Gurpreet Singh, informs us that the factual premise stands verified and Smt. Gurmail Kaur, i.e. mother of the petitioner is currently admitted to Daya Nand Medical College and Hospital, Ludhiana and further as per information received from Ms. Aman, the attending nurse, afore-noticed Gurmail Kaur is currently on ventilator support.

In para 3 of the writ petition the previous occasions when the petitioner had been granted parole, have been enumerated. It has gone uncontroverted that the petitioner has not mis-used the concession on any of the previous occasions.

In view of the above, we are inclined to accept the prayer made in the petition as regards grant of parole for a period of four weeks made in the petition.

Prayer is allowed.

Petitioner be released on parole for a period of four weeks commencing w.e.f. today itself i.e. 21.01.2022 subject to satisfaction of the Superintendent of Jail, Ludhiana/competent authority.

Petition allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

21.01.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No