

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

Date of Decision: 13.05.2022

...Petitioner

Versus

...Respondents

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 of Cr.P.C. read with Section 4 of Haryana Good Conduct Prisoners, (Temporary Release) Act, 1988 for the grant of extension of furlough, which was granted to the petitioner by the competent authority which was only for a period of two weeks. The said furlough was granted on 26.04.2022 and on the very next day i.e. on 27.04.2022, the petitioner met with an accident and suffered fractures.

2. Learned counsel for the petitioner has submitted that the petitioner has already undergone 18 years of sentence and his petition for premature release is also pending before this Court. He submitted that in view of the aforesaid accident which had occurred, the petitioner needs specialized medical treatment and for that purpose, he needs an extension of four weeks of furlough so that he can get himself treated from the specialty hospital and he has further submitted that the petitioner as of now is bed ridden.

3. On the other hand, Ms. Shivani Sharma, learned AAG, Haryana has filed an affidavit of Superintendent of Prison, District Prison, Sirsa, which

is taken on record. As per the affidavit, the petitioner was released on furlough on 26.04.2022 and as per the medical report of the doctor, he met with an accident on 27.04.2022 and the petitioner had contusion on right frontal region, fracture right temporal bone with right zygomatic arch due to road traffic accident on 27.04.2022 and he is being managed conservatively and discharged on 01.05.2022. It is further stated in the aforesaid report, which was given by Dr. Vikas Singh, the Jail Medical Officer on the basis of medical report by Dr. Lalit Kumar Bhatia, Delhi Spine and Neuro Hospital, Sirsa that the patient (petitioner) is not seen physically but on the basis of the medical history, he needs treatment and follow-up from specialist in higher medical centre. Paragraph 5 of the affidavit is reproduced as under :-

5. That the Jail Medical Officer, Dr. Vikas Singh after examine the Medical report given by the Dr. Lalit Kumar Bhatia, Delhi Spine & Neuro Hospital, Sirsa has opined as under :-

“As per record available of Atma Singh son of Sahab Singh which include “Discharge summary and medical certificate issued by Delhi Spine & Neuro Hospital, Sirsa” wherein it is mentioned that the above prisoner had contusion on right frontal region, Fracture right temporal bone with right zygomatic arch due to road traffic accident on 27-04-2022. Further, it is also mentioned that he had been ‘Managed conservatively’ and discharged in satisfactory condition on 01.05.2022.

Further, it is stated that as patient prisoner is not seen physically but on the basis of above medical history, it is summarized that “he need treatment and follow up from specialist in Higher medical centre. It is also mentioned here that prisoner from District Jail, Sirsa are regularly referred to Maharaja Agresen Medical Collage, Agroha, Hisar & PGIMS Rohtak for follow up and treatment”. This is for your information and necessary action please”.

(Annexed as Annexure R-3).

Learned State counsel has stated that further furlough is not permitted under the rules.

4. I have heard the learned counsel for the parties.

5. The petitioner was granted furlough for a period of two weeks but immediately on the next day, he met with an accident and got fractured and he got treatment from the specialized institute i.e. Delhi Spine & Neuro Hospital, Sirsa and even the doctors also stated that he needs treatment and follow up from the higher medical centre. The petitioner has already undergone 18 years of sentence and his petition for grant of pre mature release is also pending. As per the learned counsel for the petitioner and as per the medical history, it appears that the petitioner is now bed ridden. The petitioner is only seeking further extension of four weeks for getting him treated from the specialized hospital, therefore, the arguments raised by the learned State counsel that as per the rules, no further extension of furlough can be granted cannot be sustained as this Court deems it fit and proper to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

6. In view of the above, the present petition is allowed. The petitioner shall be granted extension of furlough for a period of four weeks from today and the said period of four weeks will start from today itself and after the expiry of period of four weeks, the petitioner shall immediately surrender before the Jail Authorities.

Petition stands allowed.

(JASGURPREET SINGH PURI)
JUDGE

May 13, 2022
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No