

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

219

CRWP-5976-2022

Date of decision: 04.07.2022

AMARJEET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India read with the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for issuance of a writ in the nature of mandamus directing the respondents for extension of the parole already granted to the petitioner vide order dated 20.04.2022 to enable the petitioner to undergo surgery of brain tumor, which is scheduled for 25.06.2022 and for necessary post operative care.

2. The matter had come up for hearing on 21.06.2022 i.e. during vacations on a request made by the petitioner who had placed reliance on the MRI report conducted by the DMCH, Ludhiana dated 10.05.2022 indicating the diagnosis and also the opinion from the Manipal Hospital pertaining to a proposed surgery. It was submitted by

the counsel appearing on behalf of the petitioner that the petitioner had been advised to undergo a GAMMA KNIFE surgery and that the same was scheduled for 25.06.2022. Considering that the parole granted to the petitioner was likely to expire on 22.06.2022, the matter was taken up on 21.06.2022 and the State of Punjab was directed to verify the claim made by the petitioner and also report regarding the surgery, if any, performed upon the petitioner. The parole already granted to the petitioner was extended upon consideration of the submission advanced by the learned counsel appearing on behalf of the petitioner.

3. Today on resumed hearing, learned State counsel has furnished a status report by way of an affidavit of Ramandeep Singh Bhangu, P.P.S. Superintendent New District Jail, Nabha. The relevant extract of the same reads thus:-

*“ That the present file writ petition seeking extension in parole on medical ground. This Hon’ble Court vide order dated 21.06.2022, extended the parole of the petitioner till next date of hearing. Regarding the status of present medical condition of the petitioner a report was sought from the SHO Police Station, Sherpur, District Sangrur. In his report, SHO Police Station, Sherpur, District Sangrur has stated that the verification regarding Petitioner’s operation has been accurate, but Petitioner said he needed the money for same and he get the money, he would get an eye treatment. **(The true translated copy of the report of SHO PS, Sherpur, District Sangrur is annexed herewith as Annexure R-1).***

5. *That it is respectfully submitted, that the treatment of eye can be provided by the prison administration from the concerned medical department at Civil Hospital, Nabha, Rajindera Hospital, Patiala and PGI Chandigarh as the case may be.*

6. *That the request made by the petitioner through this present writ petition for extension of parole has already been entertained by this Hon'ble Court vide order dated 21.06.2022, whereby the parole of the petitioner was extended till 04.07.2022. Therefore it is requested that the petitioner may kindly be directed to surrender back in the jail on due date i.e. 04.07.2022."*

4. A perusal of the aforesaid shows that the petitioner made a representation before the Court affirmatively about the surgery being scheduled to be held on 25.06.2022 for a Brain Tumor. Whereas the report clearly states that the petitioner was to undergo a surgery for a problem in the eyes and that even the said surgery could not be performed on account of shortage of funds. Apparently, the report furnished by the Investigating Agency reflects on the failing health condition of the petitioner, however, the same cannot itself be a ground to justify a mis-statement to be made by the petitioner and securing a concession on the strength thereof, knowing fully well about his ability to arrange for the resources pertaining to operation to be conducted. Such conduct cannot be condoned. Resultantly, the instant petition is dismissed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 04, 2022
Vishal sharma

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