

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-8753-2022
Date of decision : 16.11.2022

Pardeep Kumar

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Dr.Bandana Trikha, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a Criminal Writ Petition under Article 226 of the Constitution of India praying to grant emergency parole on medical ground on account of the father of the petitioner suffering from various illness.

Learned counsel for the petitioner has submitted that the father of the petitioner is 77 years of age and is suffering from renal failure and also from various others ailments including, diabetes. It is submitted that the petitioner is the only son in the family and the mother of the petitioner is not alive anymore. It is further submitted that proper care of the aged father is required and thus, has prayed that as per provisions of Section 3(1) (aa) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2018, the petitioner be released on parole for a period of 4 weeks. It is further submitted that the petitioner was earlier released on parole and had surrendered on time i.e. 13.09.2022. It is further submitted that even as per

the reply filed by the State, it is apparent that the father of the petitioner had visited Dr. Ramesh Maheshwari but he could not follow up the same since he is unable to go to the Doctor by himself without supervision.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that although, the father of the petitioner visited the clinic of the Doctor on 07.10.2022 and he was advised to get done certain tests but neither the father of the petitioner visited again, nor did he get the said tests conducted.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has relied upon a medical prescription from Aruna Memorial Hospital, which shows that the father of the petitioner suffers from renal failure and from other ailments including diabetes. It is the case of the petitioner that he is the only son of his father and his mother is not alive and thus, there is no one else to take care of the father of the petitioner. Even a perusal of the reply filed by the State would show that the father of the petitioner had visited the Doctor on 7.10.2022 and he was advised to get done certain tests but he did not follow up to which, learned counsel for the petitioner has highlighted that the father of the petitioner could not follow up on account of him not being able to go to the clinic by himself without any help and therefore, the petitioner deserves the concession of emergency medical parole for 4 weeks.

Keeping in view the facts and circumstances, the present petition is allowed and the petitioner is released on emergency parole uptill 10.00 A.M. on 18.12.2022.

The petitioner is directed to surrender before the gate of Central Jail, Faridkot at 10.00 A.M. on 18.12.2022.

(VIKAS BAHL)
JUDGE

November 16, 2022
Davinder Kumar

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