

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

210

**CRWP-10528-2022
Decided on : 30.11.2022**

Surender

.....Petitioner(s)

Versus

The State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Dr. Bandana Trikha, Advocate for the petitioner (s).

Ms. Palika Monga, Deputy Advocate General, Haryana.

G.S. Sandhawalia, J. (Oral)

Present petition under Article 226 of the Constitution of India has been filed for grant of emergency parole to the petition under Section 3 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, on the ground that the petitioner's mother is an old lady and suffering from fatty liver changes with Cholelithiasis. It has been averred that there is no one other male member in the family to look after her and, therefore, parole may be allowed on the emergency medical ground.

In the reply filed, it has been mentioned that the mother of the petitioner is suffering from stone. There are six sisters excluding the petitioner in the family, who all are married and mother resides alone. It has further been mentioned that the benefit is only to be granted if the family member of the prisoner is in serious condition.

Speaking order dated 25.11.2022 passed by the Superintendent Jail, District Prison, Panipat has also been placed on

record. As per the report of the Medical Officer, District Civil Hospital, Panipat there is no sign of acute emergency for surgery. The same reads as under:-

“That, the facts upon the seriousness condition of mother of the said convict got verified through Sadar Gohana police station from the medical officer of District Civil Hospital, Panipat and submitted his report that "Pt. Bharpai W/o Ramphal 59 years Female, R/o Chidana Sonipat. As per documents produced by (i.e. USG report of Hyderabad Hospital) & Physical examination of pt. does not providing any sign acute emergency for surgery, as per guidelines of G. Surgery cholelithiasis is managed by surgery & it is a chronic disease that takes years to develop. In my opinion Pt. do not have any sign of Cholecystitis or Pancreatitis so no acute emergency for surgery." Keeping in view, the above mentioned Govt. instruction for parole act and not seriousness condition of the mother of said convict, I, being competent authority, the application of convict Surender S/o Ramphal resident of Village Chidana Police Station Sadar Gohana, District Sonipat for grant of emergency parole has been declined as per law, as he is presently not entitle for emergency parole.”

In such circumstances, in view of the report of the Medical Officer and in view of the fact that petitioner has been convicted only on 11.03.2022, we are of the considered opinion that no case is made out for grant of emergency medical parole. Accordingly, the present petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

30.11.2022

Naveen

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No