

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

CRWP-2431-2023
Date of Decision: 16.03.2023

SANTOKH SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

The petitioner has filed this petition under Article 226 of the Constitution of India, seeking extension of parole to petitioner (Santokh Singh) for one month with effect from 17.03.2023 i.e. the due date on which he is to surrender before the jail authorities on the expiry of his existing parole.

Santokh Singh is undergoing sentence of rigorous imprisonment for a period of two years on account of conviction in Criminal Complaint No.1208 titled as *Narinder Kumar vs Santokh Singh*, under Section 138 of the Negotiable Instruments Act. The petitioner was confined in District Jail, Sangrur and he was granted parole by the jail authorities on 19.01.2023 (Annexure P-1) under Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, for a period of eight weeks w.e.f. 19.01.2023 and he has to surrender on 17.03.2023.

Santokh Singh is stated to be a divorced person, who avails parole at the residence of his sister (Surinder Kaur). It is stated that during the period of

parole, Santokh Singh had suffered severe pain due to urinary infection. As per medical opinion dated 08.03.2023 alongwith Ultra Sonography report (Annexure P-2), Santokh Singh has been advised for immediate surgery for removal of stent from the left kidney after controlling the infection. It is submitted that Santokh Singh had already submitted an application on 08.03.2023(Annexure P-3) for extension of parole to the Jail Superintendent, District Jail, Sangrur; however, no action has been taken thereupon. It is stated that the conduct and behavior of Santokh Singh inside the jail has remained satisfactory. Accordingly, prayer has been made for extension of parole for a period of one month w.e.f. 17.03.2023.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent-State of Punjab and has opposed the prayer for extension of parole by submitting that the Medical opinion (Annexure P-2), on the basis of which, the extension of parole is being sought, is from a private hospital i.e. Aashirwad Multispeciality Hospital, Opposite Guru Ravidas Gurudwara, Near Over Bridge, Kalka Road, Old Rajpura, and the same appears to have been taken from a doctor, who may be an acquaintance of the petitioner (Santokh Singh); accordingly, it is submitted that the plea of the petitioner for extension of parole may be rejected.

I have heard learned counsel for the parties and perused the paper book as well as Medical opinion dated 08.03.2023 alongwith Ultra Sonography Report (Annexure P-2).

Medical opinion dated 08.03.2023 (Annexure P-2), reads as under :-

“...This is to certify that Santokh Singh 51 M S/o S. Santa Singh is under my treatment for pyonephrosis with DJ Stent in Situ in left kidney. Pt has recurrent UTI (infection of urinary tract) along with continuous high grade fever. He needs nephrectomy (Removal of kidney) on left side to stave off the recurrent problem. Tentatively, his surgery has been scheduled on 29.3.23 after a three wk course of antibiotics and stability of the constitutional symptoms.”

As per Medical opinion dated 08.03.2023, tentatively the surgery upon Santokh Singh has been scheduled on 29.03.2023 after a three weeks' course of antibiotics and stability of the constitutional symptoms.

Petitioner-Santokh Singh has further placed on record the Ultra Sonography report, the relevant extract of which reads as under :-

***“Left sided grade II HDN with cortical thinning & pyonephrosis in post DJ stent status. ADV RFT Correlation.
Intraluminal echoes with debris in UB
Right renal calculus
Mild fatty liver with USFLI score of 3. Correlate with lipid profile/LFT”***

Concededly, Annexure P-2-Medical opinion has been given by one Doctor Ramesh Goyal, M.B.B.S., M.S. (Gen. Surgery) of Aashirwad Multispeciality Hospital, Kalka Road, Rajpura (Punjab); however, without opining anything on the plea that the said certificate has been got issued from a private hospital, the imminent medical attention as reflected in said Annexure P-2, cannot be ignored.

In view of the aforementioned facts and circumstances, the

present petition is disposed of with a direction that the period of parole as granted to Santokh Singh vide Annexure P-1 is extended for a further period of three weeks (21 days) i.e. from 17.03.2023 to 06.04.2023.

Petitioner-Santokh Singh shall complete his medical treatment and surrender before the Superintendent, District Jail Sangrur on 06.04.2023, positively.

It is further directed that Santokh Singh shall immediately forward copies of all his medical documents/reports to the Jail Superintendent, District Jail Sangrur, in any case not later than one week from today, for verification, especially regarding the treatment as suggested in Annexure P-2-Medical opinion.

In case the assertions made in the writ petition or the contents of Annexure P-2 are found to be false then the instant writ petition shall deemed to have been dismissed and there shall be an order for taking Santokh Singh into custody forthwith.

The petition is disposed of accordingly.

March 16, 2023

gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No