

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

CRWP No.2837 of 2023 (O&M)
Date of decision : April 12, 2023

Raj Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

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

Mr. Mohit Kapoor, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

Raj Kumar - petitioner, who is undergoing rigorous imprisonment for life in case FIR No.561 dated 02.08.2009 registered under Sections 302/120B IPC and Section 25 of the Arms Act, Police Station Kotwali, District Bathinda, has filed the instant petition praying for his release on Emergency Parole for the purpose of surgery of his mother. His appeal bearing No.CRA-D-520-DB-2012 is pending consideration before the High Court.

Dr. Bandana Trikha Sachdev, Ld. counsel for the petitioner has submitted that mother of the petitioner, namely Saroj Rani is suffering from bulky uterus with heterogeneous cervix leading to 2nd degree prolapse of uterus. She is advised to undergo surgery but as she is anemic and is advised to arrange two units of blood before surgery. Referring to Medical Certificate, Ld. counsel has further submitted that the surgery is advised at the earliest to avoid 3rd degree prolapse of uterus, which can be risky for life.

Ld. counsel for the petitioner has further stated that petitioner's

father has already expired and there is no other member in the family to take responsibility for arranging medical treatment for his mother. She has also referred to the recommendation (Annexure P-3) made by the Gram Panchayat Village Chainewala, District Mansa stating about the serious condition of the mother of the petitioner as also that there will be no apprehension of breach of peace on his coming on parole.

Status report by way of affidavit of Vishavjeet Singh Mann, PPS, Deputy Superintendent of Police, City-I, Bathinda has been filed, stating that the SHO, Canal Colony contacted K Deep Nursing Home, Samrala Chowk, Ludhiana on 06.03.2023. The doctor opined that the mother of the petitioner namely Saroj Rani is suffering from Bulky Uterus with Heterogeneous Cervix leading to 2nd degree prolapse of uterus. She has been advised to undergo surgery. The reply further states that Police officials also recorded the statements of respectable persons of the village, who also stated that mother of the petitioner is not feeling well and she is taking medicines from Ludhiana. Now, she needs some surgery and there is nobody to take care of her. The father of the petitioner has already expired. They also stated that if the petitioner is released on parole, nobody has any problem. The Police officials also contacted the Sarpanch of the village, who also stated on the same lines.

Thus it is clear that the mother of the petitioner is suffering from '*Bulky Uterus with Heterogeneous Cervix leading to 2nd degree prolapse of Uterus*' and has been advised surgery.

Section 3(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (for short hereinafter referred

to as 'the Act') specifies that a convict can be granted Parole, if:

“3(1)(aa) husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grand-son or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill”

As per Section 3(2)(b) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2018, where the prisoner is to be released on the grounds specified in clause (aa), the period of such release should not exceed Eight Weeks. Further, as per Section 3(2-A) of the Act the total period of temporary release of the prisoner, excluding the release availed of on the death of a family member of the prisoner or by a female prisoner on account of delivery of child, as the case may be, shall not exceed sixteen weeks, during a calender year and shall be availed of on quarterly basis.

Accordingly, the petition is allowed. The respondents are directed to release the petitioner on parole for a period of **six weeks** subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of the parole period.

(HARPREET SINGH BRAR)

JUDGE

(HARINDER SINGH SIDHU)

JUDGE

April 12, 2023

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No