

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRWP-5110-2023

Date of Decision: 1.6.2023

Prem Singh

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J.

Present criminal writ petition has been filed under Article 226 of the Constitution of India by the petitioner seeking writ in the nature of Mandamus for grant of parole for a period of 4 weeks under Section 3(1)(B) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 on account of medical condition of the son of the petitioner namely Sarinder Singh.

2. Counsel for the petitioner submits that the petitioner was convicted and sentenced to RI for 10 years and to pay fine under Section 22 of NDPS Act by the Court of Additional Sessions Judge, Tarn Taran vide judgment and order dated 19.6.2016 and appeal filed against the said judgment and order having CRA-S-4260-SB-2016 was admitted and is now pending for final disposal. He further submits that the petitioner has not committed any jail offence. It is further submitted that son of the petitioner is seriously ill and has suffered kidney problem and is undergoing dialysis

and that the petitioner wants to meet his son to provide him proper medical treatment. So, there is a prayer for temporary release of the petitioner on parole for a period of 4 weeks.

3. Present petition is opposed by the State counsel who submits that the petitioner was convicted and sentenced to imprisonment for a period of 10 years under NDPS Act by the learned trial Court and he is undergoing said sentence. However, the State counsel has not disputed the fact that the son of the petitioner is having kidney ailment and is undergoing dialysis.

4. I have considered the submissions made by the counsel for the parties.

5. Admittedly, the petitioner has already undergone about 3 years of sentence and no jail offence has been committed by the petitioner and further, it appears that the son of the petitioner is having renal problem requiring dialysis.

6. In view of above, the present petition is allowed and the petitioner is ordered to be released on parole with effect from 5.6.2023 to 4.7.2023 to the satisfaction of the District Magistrate concerned who is further directed to impose such conditions as may be required in the jail manual towards the ends of securing presence of the petitioner in jail after the period of parole is over. The petitioner is directed to surrender before the jail authorities on 5.7.2023.

(KARAMJIT SINGH)
JUDGE

June 1, 2023
Paritosh Kumar

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