

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CRWP-8177-2023

Date of Decision: 21.08.2023

Manoj Yadav

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Prateek Rathee, Advocate, for the petitioner.

VIKAS SURI, J. (Oral)

1. This is a petition under Article 226 of Constitution of India for issuance of a writ in the nature of *mandamus* seeking direction to the respondents to extend the period of parole of the petitioner by four weeks on the ground that he is suffering from severe fever and weakness due to jaundice (Anemia) and infection in urinary tract for which complete bed rest has been advised by the doctor.

2. Learned counsel for the petitioner submits that the petitioner was granted the benefit of parole on 11.06.2023 and he has to surrender before the jail authorities on 21.08.2023 i.e. today. It is submitted that the petitioner is suffering from severe fever and weakness and has been advised bed rest for a period of two weeks. It is further submitted that the petitioner has moved an application dated 16.08.2023 (Annexure P-2) for extension of parole for a period of four weeks before the Divisional Commissioner, Hisar Division, Hisar, which has not been entertained. He, thus, submits that a

direction be issued to the respondents to extend the period of parole of the petitioner by four weeks.

3. Without issuance of formal notice to the respondent, Ms. Ambika Sood, Addl. A.G., Haryana appears on behalf of respondent-State having been supplied advance copy of petition and opposes the present petition on the ground that the petitioner is habitual of filing petitions for taking undue benefit of extension of parole after having been granted the said benefit. She submits that on an earlier occasion also, petitioner was granted the concession of parole but he had moved three petitions thereafter for extension of parole on one pretext or other.

4. Having heard learned counsel for the parties and having perused the record of the case, this Court does not find it to be a fit case for grant of relief sought for. A perusal of the medical certificate (Annexure P-1) would show that registration of the petitioner as an outdoor patient at District Hospital Agra has been done on 16.08.2023 at 10:31 AM. The affidavit appended in support of the present petition has been executed at Chandigarh on the same day and the instant petition was filed in the Registry of this Court on the very next date i.e. 17.08.2023 at 10.40 AM. The application (Annexure P-2) filed by the petitioner seeking extension of parole has been submitted before the Divisional Commissioner, Hisar Division, Hisar, was also moved on the same day i.e. 16.08.2023. Be that as it may, if the medical condition and general health permits him to travel a distance of more than 500 kilometers in a day consuming about eight hours

travel by road between Agra and Chandigarh, it would not make out a case for grant of indulgence of this Court.

5. Petitioner has not even placed on record the order vide which he was granted the benefit of parole from 11.06.2023 to 21.08.2023, as it would have indicated the nature of the order and the consideration of grant of the same. It deserves to be noticed that despite the aforesaid shortcoming having been pointed out by the Registry of this Court to the petitioner that the earlier order granting parole should be filed, the same is not appended with the petition and a note has been given in response thereto requesting the matter to be put up as it is, before the Court as the order granting parole has not been handed-over by the petitioner and thus, cannot be placed on record. In the considered view of this Court, there is something in the earlier order, which the petitioner does not want to bring to the notice of the Court.

6. Further, the contention of the petitioner is not supported by any medical/clinical report that would conclusively be suggestive of the ailment complained of. Moreover, the aforenoticed medical condition can safely be taken care of from the jail itself and if need be, the jail authorities could also get him treated from the District Hospital. It would not be out of place to mention here that the petitioner can always avail bed rest in the jail also by showing his treatment record to the jail authorities.

7. It seems that the petitioner has filed this frivolous petition only with a view to have some more time out of jail as he is due to surrender on 21.08.2023. Result of cases related to FIR No.143 dated 17.12.2009,

generated and appended with the petition by the Registry of this Court shows that on earlier three occasions, the petitioner had approached this Court seeking extension of parole. Perusal of order dated 28.02.2022 passed in CRWP-12308-2021 shows that the petitioner was granted the concession of extension of parole for the third and last time, which reflects that the petitioner whenever granted the concession of parole, took a chance to get the same extended by moving petitions for one reason or the other.

8. In light of the above, this Court does not find sufficient grounds for accepting the prayer made in the instant petition as the same lacks merit and thus, is dismissed as such.

August 21, 2023
Harish

(VIKAS SURI)
JUDGE

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