

CRWP-8240-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-8240-2023 (O&M)

Date of decision: August 31, 2023

Deedar Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Krishan Singh, Advocate for petitioner.

Mr. Karan Garg, AAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is to extend the parole to the petitioner for another period of five weeks to enable him to look after his 72 years old aged ailing mother, namely Lakhbir Kaur She is stated to be suffering from various age related ailments.

2. Petitioner was convicted in a case FIR No.32 dated 09.01.2023, registered under Section 15 of the Narcotic Drugs Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Ratia, District Fatehabad. He has been sentenced to undergo rigorous imprisonment for 12 years. An appeal preferred by the petitioner as well as other co-accused bearing CRA-76-DB-2007 was dismissed vide judgment dated 07.01.2008.

2.1. Learned counsel submits that petitioner was released on parole on 28.07.2023 by the competent authority for a period of five weeks vide warrant of temporary release dated 18.07.2023 (Annexure P-1). Petitioner has to thus surrender before the Jail Authorities on 02.09.2023. Learned counsel further urges that Lakhbir Kaur, mother of the petitioner, is suffering from serious ailment.

2.2. On 24.07.2023, mother of the petitioner was taken to CMC Multispecialty Hospital, Hisar for medical treatment. She had to be admitted due to her serious condition. A copy of Medical Certificate dated 26.07.2023 and copies of medical records are contained at Annexures P-2 and P-3. Counsel further argues that mother of the

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petitioner is completely bedridden and is unable to move, and except him, there is no other male member in the family to look after his ailing mother.

2.3. Gram Panchayat, Hamajpur has also certified about the serious condition of her mother and has recommended for grant of parole of the petitioner. Petitioner was earlier also released on parole many times and his conduct remained good during his parole. He further submits that no untoward incident ever happened on any occasion and petitioner always surrendered well in time before the Jail Authorities.

2.4. Learned counsel for the petitioner further submits that petitioner has moved an application (Annexure P-5) before the Jail Authorities with a request to extend his parole for five more weeks to enable him to look after his ailing mother in the current emergency she is in. However, said request was not even entertained. He relies on Section 3(2) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 for release of the petitioner on parole, to contend that petitioner is entitled to total 10 weeks parole in a calendar year cumulatively.

3. *Per contra*, learned State counsel, under instructions from Warder Rohtash, District Jail., Sirsa, states that presently, mother of the petitioner is not admitted in the Hospital. He also submits that *per* his instructions, petitioner has not moved any such application (Annexure P-5) before the Jail Authorities. He, however, does not controvert that conduct of the petitioner on earlier occasions was good.

4. I have heard learned counsel for the parties and gone through the record.

5. Mother of the petitioner does appear to be suffering from serious ailments or else she wouldn't be bedridden. Petitioner is stated to have been earlier released on parole and never misused the said concession, and his conduct remained good. Learned State counsel, on instructions, though denies that his mother is currently admitted in Hospital.

6. Petitioner was recently released on parole for a period of five weeks on 28.07.2023 and is slated to surrender before the Jail Authorities on 02.09.2023.

7. In the premise, present petition is disposed of with a direction that the instant be treated as an application of petitioner to seek parole for another 5 weeks and

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appropriate orders be passed by the competent authority on his application, in accordance with law, one or before 02.09.2023. In case, no orders are passed before 02.09.2023, petitioner shall be allowed to remain on parole till passing of orders on the application. In case, permission for parole is declined, petitioner shall forthwith surrender before the competent Jail Authorities.

- 8. Disposed of, accordingly.
- 9. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 31, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No