

CRWP-9281-2023 (O&M)

231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9281-2023 (O&M)

Date of decision: September 22, 2023

Kuldeep Kaur

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Rahul Kumar Parashar, Advocate for
Mr. Tribhawan Singla, Advocate for petitioner.

Mr. Madhur Sharma, AAG Punjab.

ARUN MONGA, J. (ORAL)

Petition herein is to extend the parole period for a period of four weeks, which is going to expire on 23.09.2023 on medical grounds (husband's ailment).

2. Petitioner is a convict in case FIR No.29 dated 17.05.2021, registered under Sections 379-B, 392, 341 read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Sehna, District Barnala. She has been sentenced to undergo rigorous imprisonment for 10 years. An appeal preferred by the petitioner bearing CRA-S-696-2022, was admitted and recovery of fine was also stayed vide order dated 28.04.2022 (Annexure P-1). Petitioner has undergone about 01 year and 09 months, including remission.

2.1. Learned counsel submits that vide order dated 28.07.2023 (Annexure P-2) passed by the competent authority, petitioner was released on parole for a period of 08 weeks, expiring on 23.09.2023. Learned counsel further urges that husband of the petitioner is suffering from acute pancreatitis since February 2022 and is undergoing treatment at PGIMER, Chandigarh. On September 08, 2023, her husband was again admitted at Government Medical College and Rajindra Hospital, Patiala. As his condition deteriorated, he was shifted to PGI, Chandigarh, on September 11, 2023, and is under treatment now. Copy of medical treatment chart is contained at Annexure P-3.

CRWP-9281-2023 (O&M)

2.2. Learned counsel also contends that earlier, petitioner was released on parole for 56 days, in August 2022, and likewise, in February 2023, she was granted parole for 08 weeks. She surrendered on time on each occasion. He further contends that petitioner is having minor daughter aged 14 years and son about 17 years, who are not able to take care of her husband. Her husband is admitted in the PGI, Chandigarh and there is no one else in the family to look after him and the minor children.

2.3. Learned counsel for the petitioner further submits that petitioner had approached respondent No.2-Superintendent, Women Jail, Bathinda for extension of period of parole. However, she was apprised that as per the Punjab Good Conduct Prisoners Temporary Release Act, respondent No.2 has no power to extend the parole.

3. Learned State counsel, on Court query, under instructions from ASI Ranjit Singh states that per medical status report, petitioner needs treatment under Gastro department from PGI, Chandigarh. He does not controvert that petitioner ever misused the concession of parole earlier granted to her.

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

5. Petitioner was recently released on parole for a period of 08 weeks on 28.07.2023 and is slated to surrender before the Jail Authorities on 23.09.2023.

6. In view of medical condition of husband of petitioner who is currently admitted and undergoing treatment in PGI, Chandigarh, present petition is allowed. Parole period of the petitioner, earlier granted on 28.07.2023, which is slated to expire on 23.09.2023, is extended for another 30 days. Petitioner shall surrender before the competent Jail Authorities upon expiry of aforesaid parole period.

8. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 22, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No