

Neutral Citation No. 2024:PHHC:073059

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

**CRWP-4685-2022 (O&M)
Date of decision: 22.05.2024**

Shalinder Singh **...Petitioner**
Versus
State of Punjab and others **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Akashdeep Miglani, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition had been filed by the petitioner under Article 226 of the Constitution of India seeking extension of emergency/medical parole for a period of 04 months as he was suffering from multiple diseases and was not maintaining good health and also on the ground that he was admitted in the hospital at the time of filing the present petition, in accordance with the provisions of Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act and Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the petitioner, who was earlier a police official, had been held guilty and convicted by the trial Court for commission of offences punishable under Sections 302, 307, 498-A of IPC and Section 27 of the Arms

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Act and was awarded capital punishment under Section 302 of IPC, apart from different period of imprisonment under other sections in a case arising out of FIR No. 84 dated 14.06.2007, registered under Sections 302, 307, 498-A, 34 of IPC and Section 27 of the Arms Act at Police Station Sadar, District Sri Muktsar Sahib. The petitioner was held guilty of committing murder of four persons, which included his wife and a child. He had preferred an appeal before this Court and vide judgment dated 06.05.2011, a Division Bench of this Court, while confirming the conviction of the petitioner recorded by the trial, had modified his sentence awarded under Section 302 of IPC by directing that the petitioner would undergo actual imprisonment for a period of 25 years without any sort of remissions, which has attained finality as the appeal preferred by the petitioner before Hon'ble Supreme Court stood dismissed.

3. The petitioner had initially filed a criminal writ petition bearing No. **CRWP-8445-2021** for grant of emergency parole to him for a period of two months on medical grounds. Vide order dated 21.09.2021 (Annexure P-1), the said petition was allowed by this Court and the petitioner was ordered to be released on parole for a period of six weeks from the date of his release. Thereafter, he had filed two more petitions before this Court, bearing No. **CRWP-10605-2021** and **CRWP-361-2022**, seeking extension of his parole so granted to him. The said petitions were disposed of on 17.11.2021 and 17.01.2022 by granting extension of parole to him by 02 and 04 months, respectively. Thereafter, the petitioner had filed the present petition in the year 2022 seeking extension of his parole for a period of 04 months and vide order dated 18.05.2022, his parole was again extended by

two months, which has been extended from time to time and is still continuing.

4. Learned counsel for the petitioner has argued that the petitioner is still suffering from several diseases like HIV, Hepatitis C, Liver Cirrhois etc. and is not maintaining good health. He has placed on record photocopies of several medical documents/cards/reports to show that the petitioner is seriously ill and he cannot be medically cared of properly, if sent back to prison.

5. Learned State counsel has opposed the prayer of the petitioner by submitting that he is on parole since the year 2021 and is filing multiple writ petitions before this Court seeking extension of parole on medical grounds, though he is not as seriously ill as is claimed by him. It is also argued that the petitioner is guilty of committing gruesome murder of his wife and child and two other persons and is making all efforts to be out of prison by forging medical documents. Hence, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

7. On the direction of this Court, respondent-State had filed a status report on 21.02.2024, wherein it is submitted that as per the report received from the Civil Hospital, Malout, the petitioner was admitted in the said hospital only for one day i.e. 22.01.2024 for treatment of Diarrhea and vomiting and was discharged on 23.01.2024. It is also submitted that the copy of the OPD Card, which had been placed on record by the petitioner, was neither issued by any of the Medical Officer of the said hospital nor it was

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entered in Emergency Register and the same was a fake document. More so, as observed in order dated 16.01.2024, it was stated by learned counsel for the petitioner that the petitioner was still admitted in Civil Hospital, Malout and his conditions was serious. However, the aforesaid status report, which is based upon the enquiries made from the hospital concerned, falsifies the claim of the petitioner with regard to his serious condition and being admitted in the hospital. It appears that only after passing of the order dated 16.01.2024, whereby learned State counsel was directed to verify the veracity of the petitioner's being admitted in hospital due to his serious condition, the petitioner had got himself admitted in the said hospital but since he had no serious health problems, the hospital had discharged him on the very next day i.e. 23.01.2024.

8. This is also quintessential to mention here that in pursuance of order dated 07.02.2023, a Medical Board was constituted by the Civil Hospital, Malout to assess the health condition of the petitioner, which recommended that the petitioner should be examined from Guru Gobind Singh Medical College & Hospital, Faridkot. Since no Gastroenterologist was available in the said hospital also, it referred the petitioner to PGIMER, Chandigarh, where he is consulting the doctors in OPD.

9. As regards the other medical documents pertaining to PGIMER, Chandigarh, which have also been placed on record by the petitioner, it is revealed that these documents relate to the current year only i.e. 2024, whereas the petitioner has been on parole since the year 2021. A perusal of the OPD Card issued by the PGIMER, Chandigarh in March, 2024 shows that the petitioner had visited the hospital with the complain of only chest pain and

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other documents are relating to subsequent medical investigations prescribed by the doctor. The same nowhere discloses that the petitioner is having any serious health issue, for which, he has been frequently visiting PGIMER. More so, it is a matter of common understanding that had the petitioner been in serious condition due to his bad health, the doctors at PGIMER would have definitely sent him in Emergency Ward instead of consultation in OPD.

10. Although, a copy of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 has not been enclosed with this petition, but the same has been made available by the office and a perusal of the same shows that the claim of the petitioner falls under Section 3(1)(d), as per which, parole can be granted for any sufficient cause as desired by the competent authority. A perusal of this Act shows that the maximum period of parole prescribed on any ground, which can be granted to a convict, is six weeks but in the present case, the petitioner has been on parole for the last about 02 years and 08 months and is still seeking extension of the same on the ground of deteriorating health.

11. It is apparent from the above discussion that the petitioner, who is undergoing imprisonment for a period of 25 years, is making all endeavour to remain out of the prison and in that process, he has even forged medical documents and has placed on record of this case. He is on parole for the last about 02 years and 08 months and on multiple occasions, his parole has been extended by this Court. He is still making prayer for extending his parole, though he has failed to produce any authentic medical certificate/record, issued by the consulting doctors/hospital, showing it has been recommended that for his proper medical care, he needs hospitalization or extensive medical

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care, which is not possible while undergoing his sentence in prison. As per the provisions of aforesaid Act, the State Government may, in consultation with the District Magistrate concerned, may release a convict temporarily for a period specified in the Act but the petitioner has been avoiding the execution of legal sentence for years without even preferring the applications before the competent authority for extension of grant of parole in accordance the provisions of aforesaid Act. The automatic extension of parole by way of writ petitions, which has continued for about 02 years and 09 months, cannot be considered in routine, ignoring the provisions as provided under the relevant Act and Rules. Of course, the release of prisoner on parole saves the prisoner, not only from the evils of incarceration but also enables him to maintain social relations with his family and community but at the same time, it is also to be kept in mind that the sentence imposed cannot be escaped and parole cannot endlessly continued on the ground of bad health, that too by forging medical documents. This would be contrary to the scheme for grant of parole. The grant of parole is a privilege and not a right to be extended in routine.

12. In view of the discussion as made above, the present petition is dismissed. The petitioner is directed to surrender before the jail authorities on or before 29.05.2024 in order to undergo his remaining sentence. The respondent No. 3-Senior Superintendent of Police, Sri Muktsar Sahib is directed to ensure the compliance of this order by the petitioner with regard to his surrendering before the jail authorities within the time stipulated by this Court.

13. However, before parting with this order, since it is apparent that the petitioner has mislead this Court by forging and fabricating medical

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records, this Court is of the considered opinion that an enquiry be made against him and he be put on trial for giving false evidence to control the menace and hoodwinking the criminal justice system by such unscrupulous person.

14. Accordingly, learned Registrar (Vigilance) of this Court is directed to hold an enquiry in this regard, after affording opportunity of hearing to both the sides and to submit a report in this regard. Both the parties will be at liberty to produce their respective evidence during the course of enquiry, in accordance with law.

15. After receipt of the enquiry report, the Registry of this Court is directed to list the case in *Kutcha Peshi*.

16. The Registry is directed to inform learned counsel for the parties in this regard.

22.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes