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

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CRWP-9398-2024 (O&M)
Date of decision: 26.09.2024

Amandeep Singh**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuing directions to the respondents to release the petitioner on parole for a period of 05 weeks for the purpose of looking after his ailing mother and also for quashing of order dated 10.09.2024, passed by respondent No. 3-Superintendent, Central Jail, Hisar, whereby the application filed by the petitioner for grant of parole for the said period has been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner had been held guilty and convicted for a period of 12 years in case arising out of FIR No. 09 dated 24.01.2011, registered under Section 17 of the NDPS Act, 1985 and Sections 411, 420, 467, 468, 471 of IPC at Police Station Odhan, District Sirsa. He had filed an appeal against his conviction, which had been dismissed by this Court, vide judgment dated 12.04.2019 passed in **CRA-D-768-DB-2014**. The petitioner was released on regular parole for a period of 05 weeks and he was to surrender on 05.08.2024. However,

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since his mother was not well and was advised by the doctors to undergo eye surgery, his mother submitted an application before respondent No. 3 for extension of parole period of the petitioner but the same was declined. Thereafter, on 05.08.2024, the petitioner also moved an application before respondent No. 3 for extension of his parole. The Gram Panchayat concerned had also given a report in support of the claim of the petitioner that his mother is to undergo cataract surgery and there was no one to look after her at home and also that they have no objection to the release of the petitioner on parole. However, no action was taken by the respondents on the application of the petitioner. Consequently, the petitioner filed a criminal writ petition, bearing number **CRWP-7594-2024**, before this Court, which was disposed of on 22.08.2024 with a direction to respondent No. 3 to decide the application of the petitioner within a period of 15 days from the receipt of certified copy of the order. In compliance thereof, respondent No. 3 has decided the application of the petitioner, thereby dismissing the same by passing the impugned order dated 10.09.2024.

3. Learned counsel for the petitioner has further submitted that the eye sight of the mother of the petitioner is weak and the doctors have prescribed her to undergo surgery for cataract. The respondent-authority, while declining the prayer of the petitioner to grant him emergency parole for the said purpose, has ignored the fact that there is no other person at petitioner's home to look after his mother. It is further submitted that apart from eye disease, the mother of the petitioner is suffering from various other age related disease. The impugned order is erroneous and it deserves to be set aside. It is, therefore, urged that the present petition deserves to be allowed

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and the petitioner deserves to be granted emergency parole for a period of 06 weeks.

4. Learned State counsel, who has advance notice of the petition, has argued that there is no illegality or infirmity in the impugned order. The petitioner was granted regular parole for a period of 05 weeks. However, he was seeking extension of the same on the ground that his mother had to undergo eye surgery for cataract but since the said ailment was not of serious condition, so as to invoke Section 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (*for short 'the Act, 2022*) for grant of emergency parole to the petitioner, his application/representation has rightly been declined by respondent No. 3. Therefore, it is urged that the petition is liable to be dismissed.

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

6. The petitioner has been convicted and sentenced for a period of 12 years in case arising out of aforesaid FIR No. 09. He had filed an appeal against his conviction, which had been dismissed by this Court, vide judgment dated 12.04.2019 passed in **CRA-D-768-DB-2014**. The petitioner was granted regular parole for a period of 05 weeks and was scheduled to surrender back on 05.08.2024 but he has moved an application for extension of his parole on the ground that he has to take care of his mother as she was to undergo surgery for cataract. However, the same was ultimately declined by respondent No. 3 by passing the impugned order. As per Section 5(1) of the Act, 2022, the competent authority shall grant emergency parole to a convicted prisoner subject to such conditions and procedure as specified under

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Sections 11 and 12. Emergency parole shall be granted to a convicted prisoner any time irrespective of the period of sentence undergone by him if a member of the convicted prisoner’s family has died or is in serious condition or the convicted prisoner himself is in serious condition. However, the claim laid by the petitioner for grant of emergency parole to him is that his mother has some ailments related to her eyes, for which, she has to undergo surgery and since there is no other person to take care of her, he must be granted emergency parole for 06 weeks for the said purpose. Obviously, the cataract cannot be considered to be a serious medical condition entitling the petitioner to get benefit of emergency parole in view of Section 5(1) of the Act, 2022 as the patients of cataract are discharged from the hospital either on the same day or on the next day. While passing the impugned order dated 10.09.2024, respondent No. 3 had also taken the same ground that the mother of the petitioner was not seriously ill and, therefore, the petitioner was not entitled for emergency parole.

7. In view of the above, this Court is of the considered opinion that no ground has been made out to issue any direction to the respondent-authorities to release the petitioner on emergency parole for the period as prayed for by him. Accordingly, the present petition is dismissed.

26.09.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

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