

2025:PHHC:000105-DB



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.**

201

**LPA-3338-2024 (O&M).
Date of Decision: 02.01.2025.**

SHILPA AGGARWAL

... Appellant(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.
HON'BLE MRS. JUSTICE AMARJOT BHATTI.**

Present: Ms. Kushaldeep Kaur, Advocate,
for the petitioner.

Dr. D.S. Lamba, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant intra Court appeal has been filed against the order dated 16.12.2024 passed in CRWP-12120-2024 whereby respondent No.5- the Superintendent, District Jail Rupnagar, District Rupnagar, has been directed to decide the application dated 12.12.2024 submitted by the

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petitioner for grant of parole for a period of 08 weeks to recuperate from the total hip replacement surgery undergone by the petitioner at the Post Graduate Institute of Medical Education and Research (PGIMER) Chandigarh on 05.12.2024.

2 Learned counsel appearing for the appellant contends that the recuperative period is essential for a proper recovery and further submits that the appellant has already undergone custody for a period of nearly 07 years on account of consecutive running of sentences for offences under Section 138 of the Negotiable Instruments Act, 1881. It is argued that the appellant has never availed any parole or furlough during the above said period and that there is no allegation of any misbehaviour or commission of any jail offence on the part of the appellant.

3 Noticing the aforesaid contentions of the appellant, the notice was issued to respondent-State on 23.12.2024 and the State of Punjab was required to verify about the claim raised and to inform about the reservations by the State, if any, on release of the appellant on medical grounds. The matter was thereafter adjourned to 27.12.2024 when an affidavit was filed by the Officiating Superintendent, District Jail, Rupnagar on behalf of respondents No.2, 3 and 5.

4 On resumed hearing on 27.12.2024, the State counsel had sought time to verify the address of the appellant.

5 Today, the learned State counsel, on instructions from ASI Labh Singh, has submitted that the address of the appellant is the same as

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has been mentioned in the Memo of Parties appended along with CRWP-12120-2024 i.e. C1/503, Nirmal Chhaya Towers, VIP Road, Zirakpur, S.A.S. Nagar, Mohali, Punjab.

6 Taking into consideration the undisputed averments noticed above and also the fact that the total hit replacement surgery of the appellant has been performed at the Post Graduate Institute of Medical Education and Research (PGIMER) Chandigarh on 05.12.2024 and that the issuance of directions to the competent authority to consider the representation submitted by the appellant is likely to render the grievance of the appellant futile, we deem it appropriate to dispose of the present LPA directing the respondent No.5-the Superintendent, District Jail Rupnagar, District Rupnagar, to release the appellant for a period of 08 weeks commencing w.e.f. 04.01.2025 to 03.03.2025 subject to petitioner furnishing the requisite bonds to the satisfaction of the Jail Superintendent. The petitioner shall surrender before the Jail Superintendent, District Jail Rupnagar, District Rupnagar on 03.03.2025 before 5:00 P.M.

(VINOD S. BHARDWAJ)
JUDGE

January 02, 2025.
raj arora

(AMARJOT BHATTI)
JUDGE

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