

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.1413 of 2015

Date of Decision: October 19, 2015

Devender Singh alias Meenu

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjeev Majra, Advocate
for the petitioner.

Mr.Anmol Malik, Asstt. Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India read with Section 3(1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for issuing a writ of certiorari for quashing of the speaking order dated 18.09.2015 passed by Superintendent of Jail, District Kaithal declining the parole.

Notice of motion was issued and learned State counsel appeared and filed the reply.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through record.

From the record, I find that in the reply, in para No.6, it is

stated that now the Government has amended Sub Section (2) of Section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2014, which is reproduced as under:-

“Notwithstanding anything contained in sub-section(1), a convicted hardcore prisoner, who has not been awarded death penalty, may be entitled for temporary release or furlough only if he has completed five years of imprisonment and has not been awarded any major punishment by the Superintendent of Jail, as judicially appraised by the concerned District and Sessions Judge.”

It is also stated in this para that at present, the petitioner is eligible to be considered for parole as he is not hardcore prisoner. The parole case for marriage of his brother has been initiated by respondent No.3.

As per the reply, the petitioner is eligible for parole and the marriage of brother of the petitioner is going to be performed on 22.10.2015 as per marriage invitation card.

As today is 19.10.2015, therefore, instead of giving direction to the competent authority, I accept this petition and it is ordered that petitioner be released on emergency parole for a period of 10 days i.e. from 21.10.2015 to 30.10.2015 to enable him to attend the marriage of his brother, subject to the conditions as per law.

Accordingly, the present criminal writ petition is allowed and the order dated 18.09.2015 passed by Superintendent of Jail, District Kaithal, is set aside.

October 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE