

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

**CRWP No. 533 of 2015  
Date of decision: 8.4.2015**

**Rajesh @ Bahadur**

**....Petitioner**

**vs.**

**The State of Haryana and ors**

**....Respondents**

**CORAM: -HON'BLE MR. JUSTICE S.S.SARON  
HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: - Mr. A.S.Trikha, Advocate for the petitioner.

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**S.S.Saron, J.**

The petitioner was arrested in case FIR No. 05 dated 10.1.2012 registered at police station Siwani, District Bhiwani for the offences punishable under Sections 302, 364, 392 and 34 of Indian Penal Code ('IPC'-for short). He was tried for the said offences. After trial he was convicted and sentenced to life imprisonment by the learned Additional Session Judge, Bhiwani on 7.8.2014. Aggrieved against the said conviction and sentence, the petitioner has filed Criminal Appeal No. 1707-DB of 2014, which is pending in this Court. The petitioner is now undergoing his life imprisonment. The petitioner filed the present petition under Article 226 of the Constitution of India for grant of emergency parole for

the admission of his son who is studying in nursery class to the next LKG class. The wife of the petitioner namely Smt. Suman has submitted an application dated 28.2.2015 (Annexure P-1) to the Superintendent, District Jail, Bhiwani for grant of emergency parole to the petitioner.

Learned counsel for the petitioner submits that the Prisons Authorities in Haryana are not likely to release the petitioner on parole in view of Rule 4 of the Haryana Good Conduct Prisoners (Temporary Release) Rules 2007 (for short- 'the Rules'). The said Rule provides for eligibility and it is envisaged therein that a prisoner shall be entitled to parole only after he has completed one year of his imprisonment after conviction and has earned his first annual good conduct remission under the Haryana Good Conduct Prisoners (Temporary Release) Act 1988 (for short -'the Act'). Therefore, the petitioner having not completed one year of imprisonment after his conviction is not likely to be released on parole. It is submitted that the provisions of Section 3(1)(b) of the Act are mandatory and the provisions of Rules should not supersede the substantive provisions of the Act.

We have given our thoughtful consideration to the matter.

A perusal of the record shows that the petitioner submitted that his presence being the father for the admission of the child is necessary. In this regard, it may be noticed that in the application dated 28.2.2015 (Annexure P-1) submitted by Smt. Suman wife of the petitioner it is stated that as per the letter received from the school Principal the presence of both parents at the time of admission is compulsory. However, a reading of the vernacular of the said application dated 28.2.2015 (Annexure P-1) shows that the translation of the application (Annexure P-1) is not entirely correct. In fact, it is not mentioned in the vernacular application (Annexure P-1) that as per the letter received from the school Principal, the presence of both parents at the time of admission is compulsory. It is further noticed that a report of the Sarpanch (Annexure P-4) has been placed on record. In the English translation of the said report, it is mentioned that the wife of the petitioner is an illiterate housewife and it is the responsibility of the father-Rajesh i.e. the present petitioner to make all arrangements for

admission of his son and bear the expenses of his son for continuing his studies in the school. However, the fact that the wife of the petitioner is an illiterate housewife is not mentioned in the vernacular of the report (Annexure P-4) of the Sarpanch.

It is still further noticed that the Principal of Adarsh Senior Secondary School, Bhiwani has given a certificate (Annexure P-2) in which it is stated that Anand-son of the petitioner is a student of Nursery class in the school during the session 2014-2015. The said school is a Senior Secondary School which would mean that it has classes upto 10+2 level. Therefore, for admission from Nursery class to LKG class in fact has to be automatic. The Hon'ble Supreme Court in the case of ***The Principal Cambridge School & ors vs. Ms. Payal Gupta & ors, AIR 1996 SC. 118*** after referring to the provisions of the Delhi School Education Rules held that the same would go to show that once a student is admitted to a school, the same admission continues class after class untill he passes the last examination for which the school gives training and no fresh admission or re-admission is contemplated from one class to the other. Therefore, it is expected and

hoped that the authorities of the Adarsh Senior Secondary School, Bhiwani would admit the minor son of the petitioner without insisting for the presence of the petitioner. In fact, the petitioner has not placed on record any letter of the school authorities that his presence would be necessary for admission of his son in the next class.

In the above circumstances, we do not find any merit in the present petition.

The petition is accordingly dismissed.

**[S.S. SARON]  
JUDGE**

**8.4 2015**  
preeti

**[SURINDER GUPTA]  
JUDGE**

***Note: -To be referred to reporter: Yes/No***