

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

Crl. Writ Petition No. 588 of 2015

Date of decision: 17.04.2015

Pushpa Devi

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashwani Verma, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Notice of motion.

Mr. P.S. Sullar, Addl. A.G., Haryana accepts notice on behalf
of the respondents.

The present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of directions to the respondents to temporarily release the petitioner in view of the provisions of Section 3 (1)(a) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (in short 'the Act'). Challenge has also been laid to the order dated 11.04.2015 (Annexure P-3) whereby, the application moved by the husband of the petitioner for grant of temporary release on the account of death of her father has been rejected on the ground that the period of conviction is less than 4 years by respondent no. 1.

The grievance of the petitioner is that the petitioner is convicted and sentenced for a period of one year under Sections 465/471 IPC vide judgment and order dated 25.05.2012/26.05.2012 passed by the JMIC, Ist Class, Fatehabad in a criminal complaint. The remedy of appeal and revision has been availed and the same has been dismissed and she is

undergoing her sentence in the Central Jail-II, Hisar. The petitioner's father died on 09.04.2015 and Rasam Pagri is to be held on 20.04.2015 and, therefore, she filed application for temporary release on account of death of her father and also attached the letter issued by the Gram Panchayat. As noticed, her request has been rejected on the ground that the period of conviction is less than 4 years.

Counsel for the petitioner has submitted that the ground on which her temporary release has been declined pertains to release of petitioners on furlough under Section 4 of the Act and under Section 3(2)(a) of the Act, there is a provision that where a member of prisoner's family has died, the prisoner can be released temporarily upto 3 weeks.

Keeping in view the fact that there is no dispute as such regarding the death of the father of the petitioner and the last rites are to be performed on 20.04.2015, this Court is of the opinion that the impugned order is not sustainable in view of the special provision being there under the Statute for temporary release in the event of such death of the family member under Section 3(1)(a).

In such circumstances, the present petition is allowed and the impugned order dated 11.04.2015 (Annexure P-3) is set aside. The petitioner shall be temporarily released for a period of two weeks from the date receipt of copy of order by respondent no. 2 on furnishing necessary requirements.

17.04.2015
shivani

(G.S. SANDHAWALIA)
JUDGE