

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1370 of 2016
Date of decision : 22.10.2016

Kewal Krishan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Kamaldeep Singh Sidhu, Advocate,
for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

This is a petition under Article 226 of the Constitution of India in which the impugned order No.7703 dated 13.10.2016 rejecting parole passed by respondent No.2 is sought to be quashed, along with a prayer for grant of parole to the petitioner on medical grounds under Section 3(1)(a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Notice of motion.

On the asking of the Court, Mr. Vijesh Sharma, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the State.

By virtue of the impugned order, the petitioner's second prayer for release on parole after having availed of such opportunity earlier also for a period of three weeks, and then had been surrendered before the authorities on 09.10.2007, had been rejected with the following reasons:-

“That, as per Para No.4 (1) of the Haryana Good Conduct Prisons (Temporary Release) Act, 2007, “ A Prisoner shall be entitled to apply for parole only after he has completed one year of his imprisonment after conviction and has earned his first annual good conduct remission under the Act.”

Therefore, the said convict is not eligible for parole. Copy of this order has been given free of cost to the convict Kewal Krishan s/o Sh. Kharaiti Lal R/o H. No. 478/13. P.S. City Thanesar, District Kurukshetra under proper receipt.”

It is pointed out on behalf of the petitioner that earlier also by an order dated 29.07.2016, the petitioner's prayer for release on parole was rejected by the respondent on the very same ground. Such order was quashed by a Co-ordinate Bench of this Court in CRWP No.1035 of 2016 on 14.09.2016, by virtue of which the petitioner was ordered to be released on parole for a period of three weeks.

He now seeks to be released again on account of his critical health condition. From the copies of the medical documents appended herewith, it is seen that he has been advised to undergo CABG(Coronary Artery Bypass Grafting).

In the given circumstances this appears to be an appropriate case for intervention by this Court at this stage, as rejection order of the petitioner's last application for his release on parole on the self-same ground, had been quashed in the previous writ petition.

This petition is, therefore, allowed with a direction that the petitioner be granted parole initially for a period of four weeks, the extension of which may be considered by the authorities, subject to the medical advise forthcoming in this regard.

A copy of this order be given dasti to the learned counsel for the petitioner under the signatures of Special Secretary of this Bench.

22.10.2016
anju rani

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : ***Yes***
Whether Reportable : ***No***