

CRWP-1419-2016 (O&M)
Date of Decision : 04.11.2016

Madhu SharmaPetitioner

versus

State of Haryana and othersRespondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG, Haryana.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner's son is a convict in a case under Prevention of Corruption Act. The present petition has been filed under Article 226 of the Constitution of India for grant of emergency parole on the ground that the husband of the petitioner has expired on 26.10.2016 and Kriya is fixed for 07.11.2016.

Learned counsel for the petitioner submits that the convict Vikas Sharma, son of the petitioner, would be required to perform last rites. As per the reply filed, the concerned SHO of Police Station, Samalkha has reported that father of Vikas Sharma has expired on 26.10.2016 and that local police has got no objection for the release of convict on emergency parole to attend the last rites of his father.

The legal objection raised by the State is that the period of one year of imprisonment after conviction is required to elapse as per Section 4 (1) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 to enable a convict to have benefit under the said rules.

Without expression of any opinion regarding the

entitlement of the son of the petitioner under the above said rules for release on parole, I am of the considered opinion that the son of the petitioner, in the interest of justice, equity and fair play, may be granted the concession of interim temporary release to enable him to attend the Kriya Ceremony of his father which is admittedly fixed for 07.11.2016.

Petitioner's son, Vikas Sharma, is ordered to be released on interim temporary bail for period of seven days to perform the last rites including the Kriya Ceremony of his father, from 05.11.2016 to 11.11.2016 on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Panipat.

He will be released on receipt of release orders by the Jail authorities with the condition that he would surrender on 12.11.2016 at 10 o'clock at the jail.

The petition is allowed in above terms.

In case of violation of the present order, it will be open to the State to file miscellaneous application.

A copy of the order be given *dasti* to the counsel for the petitioner.

(M.M.S. BEDI)
JUDGE

04.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No