

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.1517 of 2016 (O&M)

Date of Decision: 29.11.2016

Jalbir Singh

...Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Kapil Aggarwal, Additional A.G., Haryana.

M. JEYAPPAUL, J. (ORAL)

Petitioner Jalbir Singh who was convicted under Section 302 read with Section 34 of Indian Penal Code originally moved an application before the Jail Authorities praying for emergency parole to attend 'Bhog Ceremony' of his wife. Application moved by the petitioner was dismissed by the Jail Authorities invoking Rule 4 (1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2007.

The present writ petition has been filed challenging the above order passed by the Superintendent District Jail, Kurukshetra.

We heard the submissions made on either side.

Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 does not prescribe that a convict is entitled to apply for parole only after he has completed one year of his imprisonment after conviction. Of course, in the above Rules, there is such prescription. This Court has time and again held that such an adverse prescription cannot be introduced in the Rule quite against the spirit of the Act.

It is an admitted position that the wife of the petitioner has passed away on 19.11.2016 and the 'Bhog Ceremony' is being performed on 30.11.2016.

In our considered view, the presence of the petitioner during the 'Bhog Ceremony' is very much essential.

In view thereof, we are pleased to grant 07 days' parole to the petitioner. The petitioner be released on parole forthwith on execution of surety bonds to the satisfaction of the District Magistrate, Kurukshetra.

It is made clear that petitioner shall surrender on expiry of 07 days from the date he is released on parole.

With the above directions, writ petition stands disposed of.

A copy of this order be given *dasti* under the signatures of the Bench Secretary.

(M.JEYAPPAUL)
JUDGE

29.11.2016
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No