

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 269 of 2016
DECIDED ON: February 29, 2016

Pawan

....Petitioner...

VERSUS

State of Haryana and others

...Respondents...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ram Pal Verma, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J. (Oral)

Pawan son of Mahender resident of village Ghasauli, Tehsil Ganaur, District Sonapat (Haryana) has preferred the instant Criminal Writ Petition under Article 226 of the Constitution of India seeking issuance of a writ for modification of order dated February 15, 2016 (Annexure P-7) passed by Jail Superintendent, District Jail, Gurgaon with further direction to respondent No.3 to grant emergency parole to him for 60 days.

2. Undisputably, petitioner has been convicted and sentenced vide judgment dated October 11, 2010 to undergo rigorous imprisonment for life with fine of ₹38,000/- failing which he has to further undergo rigorous imprisonment for a period of one year. He preferred Criminal Appeal No. 1184-DB-2010 titled as “*Pawan vs. State of Haryana*” against his conviction and sentence but that appeal has already been dismissed by this Court vide judgment dated October

11, 2012. Now, he has challenged his conviction and sentence before the Hon'ble Supreme Court of India. The petitioner is in custody since December 26, 2005.

3. The contention of learned counsel for the petitioner is that on receipt of verification report dated February 12, 2016 (Annexure P-5), the Superintendent Jail, District Jail, Gurgaon passed the order dated February 15, 2016 and granted emergency parole for a period of one week to the petitioner-prisoner without taking into consideration the seriousness of the wife of the petitioner. He has also not taken into consideration that the wife of the petitioner has undergone by-pass surgery and it would take at least two months to recover. There is no member in the family to look after the wife of the petitioner, who has already been advised a complete bed rest for the next two months in the presence of attendant by the concerned medical officer. The jail authority has wrongly and illegally partly allowed the application preferred by the petitioner without considering the provisions under Section 3 and 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. Even, the jail authority did not pay any heed to the medical record of the petitioner's wife. Thus, the impugned order dated February 15, 2016 deserves modification.

4. Here, it would be pertinent to mention that in response to the notice of motion issued in this petition, a detailed reply has been filed on behalf of the official respondents.

5. A glance at the reply reveals that the petitioner had applied for 4 weeks emergency parole and the office of respondent No.3 vide letter No.1845-46, dated 08.02.2016 has already initiated the parole case and sent the same to the District Magistrate, Sonapat for its recommendation with a copy to the Commissioner, Gurgaon Division, Gurgaon for according his sanction.

Moreover, the petitioner has already availed three weeks and 2 days emergency parole in the year 2016 and in such a situation, no period of emergency parole is left in the calendar year 2016.

6. In view of the reply filed by the official respondents, this Court does not find any merit in the instant petition. As such, the same is dismissed.

February 29, 2016
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(JASPAL SINGH)
JUDGE