

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

**Criminal Writ Petition No.600 of 2016
Date of Decision: July 27, 2016**

Jagtar Singh

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Hoshiar Singh Jaswal, Advocate,
for the petitioner.

Mr.Anmol Malik, AAG, Haryana.

Ritu Bahri, J.(Oral)

Prayer in this petition is for grant of emergency
parole to the petitioner.

In compliance of the order dated 09.06.2016, it has
been verified by the Station House Officer while its report
dated 22.06.2016 that the accused, Jagtar Singh, has four
children out of which three are daughters and one is son. His
younger daughter, Rajwinder Kaur, is under treatment from
Miri-Piri Hoshpital, Shahabad and she is having *rasouli* in her
stomach. There is no other responsible person in his family
except the petitioner. His son is 22 years of age. Copy of the
medical report has been sent along with the application which
is taken on record.

As per reply filed by the Deputy Superintendent,
District Jail, Kurukshetra, the petitioner was not entitled for

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grant of parole on the ground that he has not completed one

year of his sentence and also not availed first annual good conduct remission.

As per para 1(1) of the Haryana Good Conduct Prisons (Temporary Release) Act, 2007, the petitioner is not eligible for any parole, which reproduce as under:-

“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”

In the matter **Vijay Singh** vs. **State of Haryana and Anr.**, in **CRWP No.709 of 2015, Decided on 14.07.2015**, Hon'ble Division Bench of this Court has considered this aspect that in case an emergency, a convict can be released on interim parole to meet the exigencies which may occur in his family.

There was a provision of grant of parole as the so called restriction has been imposed by 2007 Rules which were published in the Haryana Government Gazette (Extra) Legislative Supplement Part III dated 18.12.2007. No such restriction had been imposed in the 1988 Act and in such a situation, the rules cannot supersede the substantive provision of the 1988 Act.

In case of **Deepak** vs. **State of Haryana & Anr.** **2014(4) RCR(Criminal) 531**, wherein it has been held as under:-

“We have give out thoughtful consideration to the

matter. It may be noticed that in terms of Section 3(1) (a) of the Act, a prisoner is entitled for parole if a member of the prisoner's family has died or is seriously ill or the prisoner himself is seriously ill. The restriction of one year of imprisonment after conviction to be eligible for temporary release has been imposed by way of Rule 4 of the Haryana Good Conduct Prisoners (Temporary Release) Rule, 2007 (for short "the Rules") which was published in the Haryana Government Gazette (Extra) Legislative Supplement Part II dated 18.12.2007. There being no such restriction in the Act, the Rules cannot supersede the substantive provision of the Act."

Accordingly, in view of the **Vijay Singh's** case (supra), the present petition is allowed. The petitioner be released on emergency parole to monitor the surgery of his daughter, Rajwinder Kaur, who is having rasouli in her stomach, for a period of three weeks' from the date of his release, subject to his furnishing bonds to the satisfaction of the District Magistrate, Kurukshetra.

July 27, 2016

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(Ritu Bahri)
Judge

Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No