

CRWP No.81 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.232

CRWP No. 81 of 2016

Date of decision : February 09, 2016

Subash Chand

...Petitioner...

versus

State of Haryana and others

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sukhwinder Singh Nara, Advocate,
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

JASPAL SINGH, J.

Instant petition preferred by Subash Chand, now confined in Central Jail, Ambala, under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of certiorari to quash the impugned order dated January 13, 2016 (Annexure P-1), whereby an application/representation dated December 17, 2015 (Annexure P-2) seeking emergency parole has been rejected by respondent No.2 and further directing the respondents to grant emergency parole of 21 days to the petitioner for operation and bypass surgery of his father.

2. In response to notice of motion issued to the State, the

official respondents have filed reply to the petition. In para No.7 of the reply is relevant for disposal of instant petition which reads as under:-

“As per Haryana Good Conduct Prisoners (Temporary Release) Act 1988 Notification 18.12.2007, Section 4 para No. (2) “ A Prisoner, who has been convicted and sentenced after imprisonment less than four years, shall not be eligible for Parole. So, that as provision of Act, the said convict is not entitlement for grant of Parole for the said purpose. Hence, the request of the convict is filed. Therefore, the parole case of the convict cannot be initiated in accordance with Haryana Good Conduct Prisoners (Temporary Release) Act 1988 & Rules 18.12.2007. Copy of speaking order is already annexed as Annexure P-1.”

3. A glance at the aforesaid paragraph transpires that a prisoner who has been convicted and sentenced for imprisonment less than 04 years, shall not be eligible for parole.

4. In view of the aforesaid provision, instant petition is dismissed. However, petitioner shall be at liberty to have recourse to other remedies available under law.

February 09, 2016

Ankur

**(JASPAL SINGH)
JUDGE**