

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

CRWP No.901 of 2016

Date of Decision: 15.07.2016

Navdeep

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. S.K. Jain, Advocate
for the petitioner.

Mr. Surinder Singh, DAG, Haryana.

S.S. Saron, J.

The petition has been filed by the petitioner for directing the respondents to release him on parole for a period of four weeks' under Section 3 (1) (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short - 'the Act').

The learned Additional Sessions Judge, Sonapat on 05.03.2016, has convicted and sentenced the petitioner to life imprisonment in case FIR No.353 dated 16.09.2012 registered at Police Station Gannaur, for the offences under Sections 302/120-B/34 IPC, besides, Section 25 of the Arms Act.

At present, the petitioner after his conviction and sentence in the said case is undergoing his life imprisonment. CRA-D-424- DB of 2016 is pending in this Court. The petitioner seeks his temporary release on parole to appear in the 2nd Semester Examinations of D.Ed (JBT) course commencing from 16.07.2016 being conducted by Board of School Education, Haryana, Bhiwani. The petitioner has already cleared his 1st Semester examinations of the said course in January, 2016.

The petition was listed for hearing on 12.07.2016. Notice of motion was issued to the respondents for today.

Learned State counsel has put in appearance for the respondents. He submits that due to paucity of time, he could not get complete instructions. In any case, he submits that the petitioner after his conviction on 16.03.2016 has not completed one year of imprisonment, therefore, in view of Rule 4 (1) of the Haryana Good Conduct Prisoners (Temporary Release) Rules 2007 he is not entitled for parole. In terms of the said Rule, a prisoner is 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. Therefore, the petitioner is disentitled for release on parole as he has neither completed one year of imprisonment after conviction and nor has he earned his annual good conduct remission under the Act. It is further submitted that Superintendent of Prison, District Prison, Karnal, has informed by way of a letter that the petitioner has been allowed a Police Escort in terms of Para 536-B of the Punjab Jail Manual for taking him to the examination hall on the dates of his examinations i.e. on 16.07.2016, 19.07.2016,

CRWP No.901 of 2016

21.07.2016 and 23.07.2016. Therefore, it is submitted that no prejudice would be caused to the petitioner and he would appear for his examinations on the dates fixed.

We have given our thoughtful consideration to the matter.

The petitioner seeks temporary release on parole for a period of four weeks' for enabling him to appear in the 2nd semester examinations of the D.Ed (JBT) course commencing from 16.07.2016 to be conducted by Board of School Education, Haryana, Bhiwani. His examination centre for the said examinations is Sonapat-15, Government Senior Secondary School, Model Town and the dates of his examinations are 16.07.2016, 19.07.2016, 21.07.2016 and 23.07.2016. As per admit card, the time of examinations is from 2.00 p.m. to 4.00 p.m. The learned State Counsel on the basis of letter issued by the Superintendent of Prison, District Prison Karnal has stated that the petitioner has been allowed a Police Escort in terms of Para 536-B of the Punjab Jail Manual for taking him to the examination centre on the dates of his examinations. The petitioner had approached the Court at a belated stage; therefore, a short notice was issued to the respondents. The Superintendent of Prison, District Prison Karnal could not carry out verifications nor comply with other formalities that are required for temporary release of prisoners on parole. In any case, the petitioner has been allowed to go to the examination centre for his examinations under a Police Escort in terms of Para 536-B of the Punjab Jail Manual. Therefore, it would be just and expedient to dispose of the petition with the direction to take the petitioner

CRWP No.901 of 2016

to the examination hall under a Police Escort on the dates of examinations.

Accordingly, the petition is disposed of and the Superintendent of Prison, District Prison, Karnal shall ensure that the petitioner is taken to the examination centre for appearing in the D.Ed. (JBT) 2nd Semester examinations on scheduled dates under Police Escort Guard as per provisions of Para 536-B of the Punjab Jail Manual, well before the commencement of the exams.

[S.S. SARON]
JUDGE

[LISA GILL]
JUDGE

15.07.2016
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