

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

CRWP-1125-2017

Date of decision: 10.10.2017

Rajan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Randeep Singh Dhull, Advocate
for the petitioner.

H.S. MADAAN, J.

This criminal writ petition under Article 226/227 of the Constitution of India read with Section 3 Sub Sections (1) (d) and Section 7 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for issuance of direction to respondents – State to grant parole to petitioner for a period of four weeks for filing Special Leave Petition before Hon'ble Supreme Court and to engage advocate of his choice and brief him adequately has been filed by petitioner Rajan, presently confined in District Jail, Faridabad.

Such petitioner was convicted for offences under Sections 302, 341, 323, 427, 148, 149 IPC and sentenced to imprisonment for life besides payment of fine vide judgment and order dated 25.1.2013 passed

by learned Additional Sessions Judge, Yamuna Nagar. The petitioner had preferred an appeal against the said judgment/order of his conviction and sentence, which was dismissed by this Court vide order dated 5.5.2017. The petitioner want to file Special Leave to Appeal in Hon'ble Supreme Court and for that, he seeks his release on parole for four weeks.

I have heard learned counsel for the petitioner besides going through the record.

In my considered view no ground to accept the petition and issue necessary direction to the respondents- State to grant parole to him for four weeks is made out. Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 deals with temporary release of prisoners on certain grounds which are specified as under:

- (a) a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill; or
- (b) the marriage of prisoner himself, his son, daughter, grandson, grand daughter, brother, sister, sister's son or daughter is to be celebrated; or
- (c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or his father's undivided land actually in possession of the prisoner; or
- (d) it is desirable to do so for any other sufficient cause.

It is not specifically provided in the Act that parole can be granted to enable an inmate to file appeal or special leave to appeal. The petitioner can very well file such Special Leave Petition through

District/State Legal Service Authority. He can engage a lawyer through some family members, who could get necessary instructions from him and then file special leave to appeal.

I do not find any merit in the petition and the same stands dismissed accordingly.

10.10.2017

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No