

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

CRL. WRIT PETITION No.1164 OF 2017
DATE OF DECISION : 4TH OCTOBER, 2017

Nihal Singh

.... Petitioner

Versus

State of Haryana & othes

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Rule.

Heard forthwith with consent of counsel for the rival parties.

Following is the prayer in the present petition:

“Petition under Article 226 of Constitution of India
praying for directions to respondents for grant of
emergency parole for a period of 30 days to the
petitioner for performing the last rites of his father
who had died on dated 27.09.2017, under Section
3(1)(a) of the Haryana Good Conduct Prisoners
(Temporary Release) Act, 1988 (as amended upto
date), in the interest of justice.

This Court had issued notice asking the State to verify the
facts narrated in the petition for claiming parole due to death of
petitioner's father.

The State counsel is unable to get proper instructions. However, I find that the petitioner was awarded sentence of two years in FIR No.5 dated 19.04.1993 under Sections 7/13 of Prevention of Corruption Act, 1988 by the trial Court. He has served out the sentence of about one year as stated by counsel for the petitioner.

The petitioner has placed on record (Annexure P-1) certificate issued by the Sarpanch Gram Panchayat Jandwala, Bagar, Block Bhatt Kalan, Fatehabad. The petitioner has to perform last rites.

In view of the fact that the petitioner has already undergone one year out of total sentence of two years' sentence, I am inclined to allow the petition granting parole for a period of 30 days. Rule is therefore, made absolute in terms prayer clause.

The petitioner be released on parole of 30 days, subject to satisfaction of the trial Court CJM/Duty Magistrate. The petitioner shall surrender in jail on completion of the period of 30 days.

4th OCTOBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*