

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

(207)

CRWP-1232-2017

Decided on: November 02, 2017.

Rahul @ Jhanda

.... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Krishan Singh, Advocate, for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Before expiry of period of one year from the date of conviction, the petitioner seeks temporary release on emergency parole to look after his wife claiming that she is in advance stage of pregnancy.

During pendency of the petition, the delivery has already taken place.

Counsel for the petitioner has placed reliance on CRWP-677-2014 titled as Deepak Vs. State of Haryana and another, decided on 03.06.2014 claiming that condition of one year imprisonment is not mandatory being a condition imposed under the rules in contravention to the provisions of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

The observations in the said judgement were in context to an ailing expecting lady who was suffering from a medical condition which was akin to paralysis as per the medical certificate produced in the said case.

The facts and circumstances of each case are to be considered independently. No straight-jacket formula can be applied in all the cases.

No complication has even been alleged during course of delivery. As such, the petition is dismissed being not maintainable.

However, taking into consideration the peculiar circumstances of the case, it is ordered that the petitioner can be taken for one day to enable him to ascertain the welfare of the minor child and the wife from morning till evening in custody at his own expenses, in case any such request is made within a period of one week after the receipt of certified copy of this order.

The relief granted is not intended to be treated as a precedent in similar circumstances.

(M.M.S. BEDI)
JUDGE

November 02, 2017.
harsha

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No