

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.165 of 2017
Date of Decision: 15.02.2017

Amit Kumar alias Mitu

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vikram Jeet Singh, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition filed under Article 226 of the Constitution of India read with Section 3(1)(c) of Haryana Good Conduct Prisoner (Temporary Release) Act, 1988, is for issuance of directions to the respondents to release the petitioner on parole for a period of at least four week for attending the marriage of his real sister.

As per invitation card (Annexure P-1) marriage of the real sister of the petitioner is fixed for 16.02.2017. Vide order dated 27.01.2017 (Annexure P-2) his application was rejected by the Superintendent Jail, District Jail, Yamuna Nagar, on the ground that he has not completed one year of his imprisonment after conviction and has not earned his first annual good conduct remission, mandatory for initiation of parole case as per Haryana Good Conduct Prisoners (Temporary Release) Act 1988 and Rule 2007.

Learned counsel for the petitioner has drawn the attention to the Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, whereby, temporary release of prisoners can be made on the following grounds:-

“(1) The State Government, may, in consultation with the District Magistrate or any other officer appointed in this behalf, by notification in the Official Gazettee and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in

sub-Section 2, any prisoner, if the State Government is satisfied that:-

(a) a member of the prisoner's family has 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

(d) it is desirable to do so for any other sufficient cause”

In view of the Section-3 of sub-Section 1 of sub-clause (b), the petitioner can be released on temporarily relief to attend the marriage of her real sister.

Notice of motion.

Ms.Mahima Yashpal, AAG, Haryana, who has appeared and accepts notice on behalf of respondent-State.

Keeping in view the above provision, this petition is allowed and respondents are directed to release the petitioner for two weeks parole for attending the marriage of his sister on 16.02.2017 as per invitation card (Annexure P-2). Petitioner is directed to surrender before the jail authority on 03.03.2017 after availing his parole granted to him w.e.f. 16.02.2016 to 02.03.2017 (two weeks).

A copy of this order be given to the counsel for the petitioner bearing signature of the Court Secretary of this Court.

(RITU BAHRI)
JUDGE

15.02.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>