

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

**CRWP No.301 of 2017 (O&M)
Date of decision: 21.03.2017**

Mange Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. H.S. Deol, Advocate,
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

Petitioner is seeking direction to the respondent-State to release him on emergency parole on the ground that his son namely Satender (aged about 15 years) has expired on 11.03.2017.

Presently, the petitioner is undergoing sentence in case FIR No.47 dated 19.01.2013, under Sections 376-G, 292 (2), 506, 354 IPC, Section 12 of Protection of Children from Sexual Offences Act, 2012 and Section 67, 67-A of Information Technology Act, 2000, registered at Police Station Barwala.

Upon notice, reply on behalf of respondent-State has been filed in Court, which is taken on record. In the reply, it has been stated that as per clarification given by the Advocate General, Haryana (Annexure R-2),

convicts under Section 376 (2) (g) IPC come in the category of 'Hardcore Prisoners'. As per Section 5-A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, no hardcore prisoner is entitled to temporary release or furlough. A hardcore prisoner can be released on temporary basis after completion of five years of imprisonment, including two years under trial period.

An application dated 11.03.2017 was received from Savitri Devi wife of Mange Ram-petitioner regarding death of his son. On verification, the said fact was found to be true. Thereafter, he was sent to his house in police custody for the last rites of his son on 11.03.2017 as per instructions (Annexure R-3).

Learned counsel for the petitioner states that even though, he was taken to attend the last rites of his son on 11.03.2017, as per instructions (Annexure R-3), he should be released for 48 hours to attend the *Kiriya* ceremony, which is fixed on 23.03.2017.

A perusal of the notification dated 31.03.2014 (Annexure R-3) shows that under Section 5A of the Act, there is a special provision for temporary release of hardcore prisoners so that he can attend the marriage of his daughter for ninety six hours and for the marriage of his son for seventy two hours under an armed police escort. He can also be released on temporary basis to attend marriage of his grand child or sibling or death of his grand parent, parent, grandparent spouse or child under an armed police escort for a period of forty eight hours.

Keeping in view the above said notification (Annexure R-3), a direction is given to the respondent to take the petitioner to his house in custody, so that he can attend the *Kiriya* ceremony of his son on 23.03.2017.

Allowed accordingly.

Copy of this order be given to learned counsel for the petitioner
under the signatures of the Court Secretary/Reader.

21.03.2017
ajp

(RITU BAHRI)
JUDGE

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