

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-351-2017
Date of decision:29.03.2017

Manoj

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM : HON'BLE MR.JUSTICE T.P.S. MANN
HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Balkaran Singh Sathi, Advocate
for the petitioner.

T.P.S. MANN, J. (ORAL)

Prayer made in the petition filed under Article 226 of the Constitution of India read with Section 3(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 is for release of the petitioner on parole for a period of three weeks so as to enable him to take care of his wife during postpartum period.

From the petition, it is made out that the petitioner was initially released on parole on 06.02.2017 for delivery of his wife and was due to surrender on 08.03.2017. Before the said period of parole came to an end, he filed **CRWP-262-2017** for extending his parole so as to enable him to take care of his wife who was at an advanced stage of pregnancy and had been advised complete rest. Vide order dated 07.03.2017 this Court while adopting a sympathetic approach extended parole of the petitioner by a week i.e. upto 15.03.2017.

It is the case of the petitioner that on expiry of the extended period of parole and pursuant to the order passed by this Court on 07.03.2017, he surrendered at the jail gate on 16.03.2017 and is presently behind the bars. He has filed the present petition stating therein that his wife gave birth to a girl child on 25.03.2017 on completion of eight months of pregnancy. As a result of early birth, newly born tender child is having complications and currently undergoing treatment at the incubating facility which is a life threatening. The wife of the petitioner is also incapacitated and is not in condition to take care of herself and the newly born child, therefore, he may be released on parole.

Having heard learned counsel for the petitioner and keeping in view the fact that after the petitioner had surrendered on 16.03.2017 on completion of the period for which he was released on parole including the extended period, he cannot file the present petition for the said purpose in this Court directly. Instead, he is required to approach the jail

authorities for the said purpose.

In view of the above, no case is made out for ordering the release of the petitioner on parole. The petition is, accordingly, disposed of with liberty to the petitioner to approach the jail authorities for the aforementioned relief in the first instance.

(T.P.S.MANN)
JUDGE

29.03.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

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|----|------------------------------|----|
| 1. | Whether reportable? | No |
| 2. | Whether reasoned / speaking? | No |