

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

**Crl. Writ Petition No. 397 of 2017**

Date of Decision : April 18, 2017

Manoj

.....Petitioner

***VERSUS***

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN  
HON'BLE MR. JUSTICE HARI PAL VERMA**

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

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

**T.P.S. MANN, J. (Oral)**

Prayer made in the petition filed by the petitioner under Article 226 of the Constitution of India is for setting aside the order dated 03.04.2017, passed by the Superintendent, District Jail, Faridabad (Annexure P-1), whereby his request for grant of parole for taking care of his wife during postpartum period stood rejected on the ground that he had already availed four weeks' parole from 07.02.2017 to 16.03.2017 for the said purpose.

Reply has since been filed on behalf of the respondents, wherein it stands mentioned that as per Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 a convict can be released on parole for four weeks only once during the Calendar year and as he has already availed parole for the said purpose and, that too, for a period of four weeks, he is not entitled to be released on parole.

Learned counsel for the petitioner has submitted that after the filing of the present petition and issuance of notice, the husband of the petitioner's sister, who was resident of village Samaypur, Block Ballabgarh (Faridabad) died on 14.04.2017 and his last rites are to be performed on 24.04.2017. As there is no other male member in his house, only the petitioner can arrange the performing of final rites of his deceased brother-in-law. He has produced copy of the certificate issued by Sh. Kamlesh, Sarpanch, Gram Panchayat Samaypur, Block Ballabgarh (Faridabad), which is taken on record and a copy thereof supplied to the learned State counsel.

After hearing learned counsel for the parties, this Court is of the view that the petitioner is not entitled to be released on parole as he has already availed four weeks' parole on account of delivery of his wife. However, in order to perform the last rites of his deceased brother-in-law, the jail authorities can be directed to take him in custody to village Samaypur, Block Ballabgarh (Faridabad), so as to enable him to participate in the performance of last rites of his deceased brother-in-law.

Resultantly, the petition is disposed of with a direction to the Superintendent, District Jail, Faridabad, to make necessary arrangements for taking the petitioner under proper escort to village Samaypur, Block Ballabgarh (Faridabad) at 10 a.m. on 24.04.2017 so as to enable him to participate in the performance of last rites of his deceased brother-in-law and after the necessary rites are over he be brought back to jail by 5.00 pm for undergoing the sentence of imprisonment imposed upon him.

An attested copy of the order under the signatures of the Bench Secretary of this Court is being handed over to the State counsel for compliance.

( T.P.S. MANN )  
JUDGE

April 18, 2017  
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( HARI PAL VERMA )  
JUDGE

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |