

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

**CRWP No. 521 of 2017
Decided on : 08.05.2017**

Ravi Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Kushaldeep S. Sandhu, Advocate, for the petitioner.

AJAY KUMAR MITTAL, J. (Oral)

In this petition filed under Articles 226/227 of the Constitution of India read with Section 3 Sub Sections (1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for brevity 'the Act'), a prayer has been made by the petitioner that he be granted parole for a month and also for quashing of the speaking order dated 21st April, 2017, appended as Annexure P-1 along with the petition.

2. A perusal of the order dated 21st April, 2017 (Annexure P-1), shows that the application for parole was declined by the jail authorities on the ground that the petitioner has not completed one year of his sentence after conviction and has also not earned his first Annual Good Conduct Remission. In support thereof, reliance was placed upon Para No.4(1) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 (in short 'the Rules'), which reads thus:-

“A prisoner shall be entitled to apply for parole only after he has completed one year of his imprisonment after conviction and has earned his first annual good conduct remission under the Act.”

3. Learned counsel for the petitioner relied upon **Deepak Vs. State of Haryana and another, 2014(4) RCR Criminal 531** and submitted that the wife of the petitioner is seriously ill and the period of one year is not mandatory in an appropriate case and therefore, the petitioner can be released on parole.

4. After hearing learned counsel for the petitioner and perusing the averments made in the petition, we find that the ground on which the petition has been filed relates to the operation of the ear of the petitioner's wife, whereas, in Deepak's case (supra), the wife of the petitioner was suffering from pain and cervical spondylitis and had also lower back pain. Thus, the said case has different factual matrix and therefore, the benefit of the same cannot be granted to the petitioner in the present case.

5. Accordingly, finding no merit in the petition, the same stands dismissed. A copy of this order be also sent to the Superintendent, District Jail, Kurukshetra, for information.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

May 08, 2017

J.Ram

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No