

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

CRWP No.733 of 2017
Date of Decision: 23.06.2017
...Petitioner

Satish Kumar

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Brijender Kaushik, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for direction to set aside order dated 20.06.2017 passed by respondent No.2, whereby the application of the petitioner for release on parole to enable him to perform the last rites of his mother, who died on 15.06.2017, have been rejected.

Notice of motion.

Mr. Neerja Poswal, AAG, Haryana, accepts notice on behalf of the respondents.

The petitioner, who is involved in FIR No.43, dated 08.04.2015, under Section 304-B, 34 IPC, registered at P.S. Shahzadpur, Ambala has been sentenced to undergo rigors imprisonment for 10 years and is presently lodged in Central Jail, Ambala.

It is stated that the mother of the petitioner died on 15.06.2017. He filed an application for parole to enable him to perform last rites of his mother but the same was rejected vide order dated 20.06.2017 on the ground that under Rule 4 of the Haryana Good Conduct Prisoners (Tempoary Release) Rules, 2007, a prisoner shall not be entitled for parole till he has completed one year imprionsment after conviction. The petitioner was convicted on 27.02.2017.

Learned counsel for the petitioner states that the said Rule has already been declared to be ultra vires by this Court in CRWP No.677 of 2014 titled as 'Deepak Vs. State of Haryana and another' decided on June 3, 2014.

As this Court is not working on the next three days and the matter is urgent. No reply is being called from the respondents.

The order dated 20.06.2017 (Annexure P-1) is quashed. The petitioner is directed to be released on parole w.e.f. 25.06.2017 to 03.07.2017 on his furnishing bail bonds to the satisfaction of CJM/Duty Magistrate, Ambala.

He will surrender before the Jail Authorities on or before 5.00 pm on 03.07.2017.

Disposed of.

A copy of the order be given to learned counsel for the petitioner under signatures of the Special Secretary.

June 23, 2017

Atul

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No