

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

CRWP No. 1488 of 2017 (O&M)

Date of decision: 17.1.2018

Shehjad

.. Petitioner

VS

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B. S. Walia**

Present: Mr. A. S. Trikha, Advocate, for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

Reply by way of affidavit of Sanjay Bangar, Deputy Superintendent of Prison, District Prison, Karnal, dated 10.1.2018, filed in Court, is taken on record.

The petitioner has filed the present writ petition with the following prayer:-

“a) by preferring CR. Writ. Petition U/A 226 of constitution of India for issuance of Notice of Motion or Direction or Order or any appropriate Writ to direct the respondents to set aside impugned order placed as at Annexure P-1 which deliberate the grounds of not recommended reduced as under

a) That admission starts in April and there are other members in the family who could admit their children in the school. This basis of declining emergency parole for admission of his children could be obviated by relying on the ration card placed as at annexure P-2, that depicts there is no capable member who could arrange fees / money/

purchase of books/ uniform / bus expenses and undertake the regular payment of their fees monthly

b) That there is danger to public order and security of State which is countermanded by affidavit from his wife placed at P-3, filed by the wife of the petitioner and Panchayatnama placed as at P-4 issued by Mayor of ward no. 7 of Nagar Nigam, Panipat that there is no danger to State and public peace and will return jail peacefully in time as well the judgment 1996 (3) RCR (Criminal) 845 placed as at annexure P-4 declining the accusation raised in the impugned order.

Consequently, it is prayed to allow emergency parole for four weeks or for some days to petitioner Shehbad s/o Femudeen r/o Panipat to be present at the time of admission of his three children to be admitted in 2nd/ 1st/ Nursery classes; to sign their admission forms, to be present as to required presence of parents at time of admission/ to arrange monthly payment of their fees, etc., as per terms contained in school curriculum during the current session of April, 2018 permissible under Parole Rule 8 (1) of The Haryana Good Conduct Prisoners (Temporary Release) Rule 2007 r/w section 3(1)(d) of The Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 subject to satisfaction of District Magistrate Panipat.”

The petition has been styled as 'Criminal Writ Petition'.

The High Court has framed Writ Jurisdiction (Punjab and Haryana) Rules, 1976, which is forming part of Punjab and Haryana High Court Rules and Orders, Volume-5, Chapter-R, Part-F. Rule-3 thereof provides for Criminal Writ Petitions, which reads as under:-

“3. Criminal Writ Petitions.- A petition for the issuance of a writ in the nature of habeas corpus or any petition challenging order of punishment passed in

pursuance to any proceedings before a Court Martial or its equivalent tribunal shall be styled as 'Criminal Writ Petition'."

A perusal of the aforesaid Rule shows that a Criminal Writ Petition can be filed in the nature of habeas corpus or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial or its equivalent tribunal. The relief claimed in the present petition does not fall in any of the categories prescribed in the rule.

Hence, the Criminal Writ Petition for the relief claimed is not maintainable.

Dismissed.

However, it will not bar the petitioner to avail appropriate remedy in accordance with law.

(Rajesh Bindal)
Judge

17.1.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No