

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRWP-135-2018

Decided on: February 08, 2018.

Parveen @ Kuki

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Nandan Jindal, Advocate, for the petitioner.

Ms. Shubhra Singh, Addl. A.G., Haryana.

M.M.S. BEDI, J (ORAL)

Petitioner who was convicted on 17.05.2017 in a case of murder, has sought emergency parole in order to enable him to attend the marriage of his real brother on 11/12.02.2018.

It is claimed that though he has not completed one year imprisonment, he could still be granted parole/temporary release on furlough.

This Court in **Deepak Vs. State of Haryana, 2014 (4) R.C.R. (Criminal) 531**, in a case of prisoner requiring parole for illness of relation, has interpreted Rule 4 (1) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 to the effect that the bar is not an absolute bar and an inmate can be released on parole under certain circumstances i.e. the circumstances of illness or death of family member of the inmate. The said ratio was again adopted to grant emergency parole to a father convict to attend the marriage of his daughter in **Jagwanti Devi Vs. State of Haryana and others, 2017 (3) R.C.R. (Criminal) 476**. The applicability of the principle followed in the above said judgments has been sought to be

applied in the present case on the ground of marriage of real brother of the petitioner.

We have considered the circumstances in **Deepak's case and Jagwanti Devi's case (supra)** and are of the opinion that the bar of having completed one year of imprisonment after conviction for the grant of parole as laid down in Rule 4 (1) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007, though does not lay down any bar but the said bar cannot be permitted to be lifted casually in each and every case. The applicability of said Rule in case of death, serious illness or marriage of the blood relation like son and daughter, may constitute a ground for grant of emergency parole but the said Rule is not to be breached casually in every case. However, no straight-jacket formula can be laid down for applicability of the waiver of the statutory bar under Rule 4 (1) of the said Rules. No absolute rule has been laid down in the aforesaid judgments and each and every case has to be considered individually to decide whether the said concession of parole is to be granted.

In **Deepak's case (supra)**, good conduct of the inmate in the jail as convict had also been taken into consideration.

We have gone through the reply of the State wherein date of conviction as 17.05.2017 has been considered and it has been reported that the marriage of younger brother namely Dinesh is fixed for 12.02.2018. No serious objections seems to have been raised in the reply for grant of emergency parole to the petitioner for attending the marriage of his brother.

Following the precedent in **Jagwanti Devi's case (supra)** where the convict had been granted concession of emergency parole for a short duration, in the interest of justice, it is ordered that petitioner Parveen @

Kuki will be permitted the concession of emergency parole to attend the marriage of his real brother for one week i.e. from 09.02.2018 to 16.02.2018 subject to fulfilling of the legal formalities. He would be released after necessary formalities and would be required to surrender on 16.02.2018 at 04:00 P.M. in the District Jail, Sonipat.

Disposed of with above said direction.

For report regarding surrender of the petitioner, to come up on 23.02.2018.

(M.M.S. BEDI)
JUDGE

February 08, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No