

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

277

CRWP No. 173 of 2018

Date of decision: 19.02.2018

Gulshan Kumar and Others

..Petitioners

Vs.

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajender Helwa, Advocate
for the petitioners.

Mr. Vikas Chopra, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(ORAL)

The present petition has been filed for seeking the emergency parole for a period of two weeks for attending the marriage of sister of petitioner No. 1 and niece of petitioners No. 2 to 5. All the petitioners have been convicted under Sections 148, 323, 326, 452 read with Section 149 IPC and sentenced to undergo simple imprisonment for a period of three years.

On the last date of hearing, the reply on behalf of respondents was filed and perusal of the same reveals that in terms of Rule 4 of Haryana Good Conduct Prisoners-(Temporary Release) Rules 2007 (for short Rule of 2007) no parole can be granted within a period of one year of conviction and petitioners can apply only after completion of one year of imprisonment.

Learned counsel for the petitioners has relied upon the judgment of this Court dated 18.05.2015 in CRWP No. 685 of 2015 wherein it has been clearly laid down that there is no bar under the Haryana Good Conduct

Prisoners (Temporary Release) Act 1988 to release the petitioners on parole before completion of one year sentence and relevant part reads as under:-

“In terms of Section 3(1) (b) of the Act, a prisoner is entitled for parole, if the marriage of his sister is to be celebrated. The restriction of one year of imprisonment after conviction to be eligible for temporary release has been imposed by way of Rule 4 of the Rules, published in Haryana Government Gazette (Extra) Legislative Supplement Part III dated 18.12.2007. However, there being no such restriction in the substantive provisions of the Act, the Rules framed thereunder are not to supersede the substantive provisions of the Act.”

Consequently, the present petition is allowed and emergency parole for a period of one week w.e.f. 20.02.2018 to 27.02.2018 is granted to the petitioners to the satisfaction of competent authority.

(MAHABIR SINGH SINDHU)
JUDGE

February 19, 2018

Poonam (II)

Whether Speaking/reasoned	Yes
Whether reportable	Yes