

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

CRWP No.31 of 2018 (O&M)

Date of Decision:- 15.01.2018

Rajbir

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Rajesh Bindal, J.

The petitioner has filed the present writ petition claiming the following relief:

- a) This petition may be allowed and the respondents be directed to release the petitioner on emergency parole for two weeks under Section 3(1)(c) of Haryana Good Conduct Prisoners (Temporary Release) Act, for the purpose of marriage of the nieces of the petitioner namely 'Namrata' and 'Mamta' which is fixed for 22.01.2018.
2. The petition has been styled as 'Criminal Writ Petition'.
3. 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-4, 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’.”

4. 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.

5. Hence, the criminal writ petition for the relief claimed is not maintainable.

6. Dismissed.

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

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

15.01.2018
rajesh.k.khurana

Whether speaking /reasoned : Yes / No
Whether Reportable : Yes / No