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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.55 of 2018
Date of Decision: 19.01.2018

Satpal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Kompal Preet Handa, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

Reply is filed on behalf of the State by way of Affidavit of Superintendent of Prison, District Prison, Karnal. Be taken on record.

2. Heard both sides.

3. The petitioner in the present case was convicted for the offences under Sections 420 and 120-B of the Indian Penal Code, read with Sections 468 and 471 of the Indian Penal Code, in connection with F.I.R. No.9, dated 05.01.2004, and his appeal was dismissed by the Ld. Additional Sessions Judge, Karnal, on 13.09.2017. He was separately convicted of the offences under Sections 138 and 142 of the Negotiable Instruments Act, 1881. The maximum sentences awarded to him in the aforesaid cases were imprisonment for three years and two years, respectively, apart from fine.

4. The petitioner now seeks his pre-mature release on parole on

the ground that he has to participate in the “*Teharvi Ceremony*” of the deceased wife of his younger brother.

5. Ld. State Counsel has drawn attention of the Court to Section 2(b) read with Section 3(1)(a) of the Parole Act to highlight that a prisoner is entitled to Emergency Parole only in the event of serious illness or death of one of his family members and the description of “member of prisoner's family” does not include wife of his brother.

6. The petitioner is, therefore, not entitled to pre-mature parole due to such statutory bar. In any case even otherwise, he is not entitled to parole under Rule 4(1) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2017, which requires a minimum imprisonment of one year before grant of parole can be considered.

7. In view of the statutory bar, which restricts release of the petitioner at this stage, this Court is not inclined to grant him benefit of Emergency Parole.

8. Dismissed.

19.01.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No