

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

CRWP No. 80 of 2018 (O&M)

Date of decision: 12.2.2018

Malkeet

.. Petitioner

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Anil Kshetarpal**

Present: None for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

Rajesh Bindal, J.

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

“It is, therefore, respectfully prayed that the petition may kindly be allowed and parole may kindly be granted to the petitioner in view of the Haryana Good Conduct Prisoners Temporary Release Act for one month keeping in view the fact that the real brother of the petitioner viz. Sewa Ram is going to be married on 17.2.18 and as per the ceremonies and customs, the presence of the real brother i.e. the petitioner is necessary during the marriage ceremonies.

It is further prayed that vide order dated 1.1.18 (Annexure P-4) passed by the respondent No. 3 i.e. Superintendent Distt. Jail Kaithal, the parole of only 48 hours has been granted which is too inadequate/insufficient.”

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-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'.”

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

12.2.2018
vs

(Anil Kshetarpal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No