

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.10301 of 2018
Date of Decision:09.05.2018

Raj Kumar @ Bittu

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Krishan Singh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for parole for the purpose of attending his sister's daughter marriage which is fixed for 12.5.2018.

In brief, the petitioner is a life convict, who is presently lodged in District Jail, Sirsa. His father had submitted an application to respondent No.3 to grant four weeks parole to the petitioner to attend the marriage of his sister's daughter. The said application has been rejected by respondent No.3 on the ground that in view of Rule 11(3) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 [for short 'the Rules'] under Section 3(2)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 [for short 'the Act'] a convict can be granted parole only for once either under Section 3(1)(b) of the Act or Section 3(1)(d) of the Act and not for both separately during the calendar year except as provided under Rule 8 of the Rules.

Rule 11(3) of the Rules, Section 3(1)(b), Section 3(1)(d) and Section 3(2)(b) of the Act are reproduced as under: -

“Rule 11 Bonds [Sections 10(2)(a) and 10(2)(b)] -(3) - Under Section 3(1)(b) a convict shall be granted parole only for once either under Section 3(1)(b) or Section 3(1)(d) and not for both separately during the calendar year except as provided under Rule 8 as above.

Section 3 – Temporary release of prisoners on certain grounds

(1)(b) - the marriage of prisoner himself, his son, daughter, grandson, grand-daughter, brother, sister, sister’s son or daughter is to be celebrated.

(1)(d) - it is desirable to do so for any other sufficient cause.

(2)(b) - Where the prisoner is to be released on the ground specified in Clause (b) or clause (d) of Sub Section (1), four weeks.”

Respondent No.3 has observed that the petitioner has already availed four weeks parole for admission of his child in School from

15.2.2018 to 16.3.2018 by virtue of temporary release warrant dated 12.2.2018 which means that he has already availed the benefit provided under Section 3(1)(d) of the Act read with Section 3(2)(b) of the Act, therefore, as per Rule 11(3) of the Rules, he was not found entitled to avail the said benefit of parole in terms of Section 3(1)(b) to attend the marriage of his sister's daughter. No exception to this Rule has been cited by counsel for the petitioner. However, Rule 11(3) of the Rules provides an exception in Rule 8 which is not the case of the petitioner. Therefore, there is no reason for this Court to interfere in this petition and the same is hereby dismissed though without any order as to costs.

09.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*