

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14986 of 2018
Date of Decision: 18.06.2018

Karanjit Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. R.K.S. Brar, Addl. AG, Haryana.

SURINDER GUPTA, J.(Oral)

Reply on behalf of respondents no. 1 to 5 filed by learned State counsel is taken on record.

Learned State counsel submits that the petitioner is not entitled to parole as he has not completed one year of imprisonment after his conviction. This fact has, however, been verified by the State that wife of petitioner has delivered a baby yesterday.

Learned State counsel has relied on observations of Hon'ble Division Bench of this Court in case of **Deepak vs. State of Haryana and another, 2014 (4) RCR (Criminal) 531**, wherein it has been observed in para 5 as follows:-

“5. We have given our thoughtful consideration to the matter. It may be noticed that in terms of Section 3 (1)(a) of the Act, a prisoner is entitled for parole if a member of the prisoner's family has died or is seriously ill or the prisoner himself is seriously ill. 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 Haryana Good Conduct Prisoners (Temporary Release) Rule 2007 (for short 'the Rules), which was published in the Haryana Government Gazette (Extra) Legislative Supplement Part III dated 18.12.2007. There being no such restriction in the Act, the Rules cannot supersede substantive provision of the Act.”

Keeping in view the law laid down by Hon'ble Division Bench of this Court in above referred case and facts of the case, the instant petition is allowed and petitioner on furnishing personal bonds and surety bonds to the satisfaction of concerned authorities, is ordered to be released on parole for a period of two weeks, which shall be counted from the date of his release.

June 18, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No