

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****Date of decision: 03.07.2018****CWP No.15755 of 2018**

Neeraj

...Petitioner

Vs.

State of Haryana &amp; others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

**RAJIV NARAIN RAINA, J. (ORAL)**

The petitioner is undergoing life imprisonment at District Prison, Karnal along with his two younger brothers, namely, Pankaj and Rinku in case FIR No.02 dated 01.01.2014 registered under Sections 120-B, 148, 149, 302, 323 IPC and Sections 25 of the Arms Act, P.S. Samalkha, District Panipat.

The petitioner has filed the instant petition seeking a writ in the nature of certiorari for quashing the order dated 24.06.2018 (Annex P-2) vide which an application moved by his father-in-law for releasing the petitioner and his brothers on parole for attending the last rites & ceremonies of their father, who died on the same day, was dismissed by the Assistant Superintendent, I/c Convict Office, District Prison, Karnal.

On the other hand, learned State counsel submits that the petitioner has been granted furlough for a period of three weeks commencing from 10.08.2018 to 30.08.2018 to meet his family. She produced the photocopy of the personal bond furnished by the petitioner,

which is retained on record. She further submits that it has not been disclosed in the petition that one of the brothers of the petitioner is already on parole, which was granted to him prior to the death of the father. Since one of the brothers is on parole, the present application should be declined, as there is already a male member of the family to attend the post death ceremonies i.e. *Dasai* and *Kriya*. She submits that there is no provision for grant of parole to the petitioner since he has not completed one year of sentence after conviction

*Kriya* of the petitioner's father is to be held on 06.07.2018. It may be recorded and is not disputed that the petitioner is the eldest of the brothers and being the eldest his role is somewhat different to his brother Pankaj, who is stated to be already on parole/furlough, in the traditions of the people where they come from. It is pointed out by the learned counsel for the petitioner that even Pankaj, brother and co-accused of the petitioner, convicted on the same day had not completed one year of sentence after conviction, but his case was considered favourably including three other persons involved in the same FIR and also undergoing life imprisonment. The facts of those cases may be different and are not looked into for the purpose of this order. The fact of the matter is that the petitioner has already been granted furlough without the intervention of the Court for the period aforesaid and now in view of the changed circumstances on account of the death of the father, this Court deems it fit and appropriate that the period of furlough in August, 2018 should be cancelled and brought forward to be considered from 04.07.2018 to 24.07.2018 on the same terms and conditions already furnished to the 5<sup>th</sup> respondent by treating those personal bonds as sufficient for this case.

Accordingly, the impugned order dated 24.06.2018 (Annex P-2) is set aside. The 5<sup>th</sup> respondent is directed to release the petitioner at 9.00 AM sharp on furlough from 04.07.2018 to 24.07.2018 by cancelling the period of furlough already granted subject to his earlier personal bonds. The petitioner is directed to surrender before the Jail Authorities on 24.07.2018 before 4.00 PM.

Disposed of accordingly.

A copy of this order be given to Mr. Suresh Kumar Kaushik, Advocate and Ms. Shruti Jain Goyal, DAG, Haryana under the signatures of the Bench Secretary.

**03.07.2018**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

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|-----------------------------------|------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> |
| <i>Whether Reportable:</i>        | <i>No</i>  |