

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16341 of 2018

Date of decision: July 20, 2018

Sanjeev

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Rathee, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner was convicted in a case registered vide FIR No.594 dated 28.11.2015 under Sections 302/34 IPC at P.S.Sadar Sonapat on 24.1.2018 to undergo RI for life. He is presently confined to the District Jail, Karnal. He moved an application to the Superintendent Jail, Karnal for seeking emergency parole in terms of Section 3 (1) (a) & (d) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the Act'). The purpose for seeking parole was to attend to his mother, suffering from cancer and also for making arrangement for admission of his two children aged 6 years and 8 years respectively in School. Application of the petitioner has been turned down by the Superintendent Central Jail, Karnal on the ground that the petitioner is not entitled for seeking parole because he has not completed one year of his sentence after conviction and has referred to the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007.

After notice, the respondents have filed the reply in which the

same stand has been taken.

Counsel for the petitioner has relied upon a Division Bench judgment of this Court rendered in the case of ***Deepak Vs. State of Haryana and another 2014(4) RCR (Criminal) 531*** to contend that restriction of one year after conviction to be eligible for temporary release has been imposed by way of Rules, which is not provided in the Act. Therefore, Rules would not supersede the Act. Counsel for the respondents, however, could not cite any law to the contrary.

In view of the law laid down by this Court in the case of ***Deepak (supra)***, the present petition is allowed.

At this stage, counsel for the petitioner has informed the Court that the mother of the petitioner suffering from cancer, has unfortunately expired on 17.7.2018 and therefore, the petitioner has to attend the last rites also. Thus, in view thereof, the petitioner is allowed emergency parole for three weeks subject to his furnishing bail bonds to the satisfaction of District Magistrate, Karnal who would impose necessary conditions to ensure that the petitioner should surrender himself to the jail authorities on the day and time when the parole period would come to an end.

Copy of the order be given dasti.

July 20, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No