

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

CWP No.17237 of 2018

**Date of Order: 16.7.2018**

Amit Chand

....Petitioner

Versus

State of Haryana and Ors

....Respondents

**CORAM: HON'BLE MR. JUSTICE RITU BAHRI**

Present: Mr. R.S. Dhull, Advocate for the petitioner.

**RITU BAHRI, J (ORAL)**

By way of filing the instant petition under Section 3 Sub Sections (1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short “the Act”), the petitioner is seeking four weeks' parole to attend the last ceremony of his father, who died on 29.6.2018.

The petitioner was convicted in case FIR No.50 dated 24.01.2017 under Sections 302/363/364-A/201 IPC, P.S Kasla, District Rewari and sentenced to undergo RI for life by the learned Addl. Sessions Judge, Rewari. The appeal bearing CrI.A.No.99-DB of 2018 preferred by the petitioner is pending consideration before this Court. The petitioner is stated to have been in custody for more than one year after his conviction.

Notice of motion.

On the asking of the Court, Sh. Kiran Pal Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

At this stage, reference can be made to a Division Bench

judgment of this Court passed in CRWP No.677 of 2014 titled Deepak Vs. State of Haryana and Anr, 2014 (4) RCR Criminal 531 wherein it has been observed that the restriction of one year imprisonment after conviction to be eligible for temporary release cannot supersede the substantive provisions of the Act, which provide that “*when a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill*, the condition of one year will not be applicable.

In view of aforesaid, present petition is disposed of by directing the respondents to grant three weeks' parole to the petitioner after verifying the date of death of the father of the petitioner as also the conviction period undergone by him.

**July 16, 2018**  
**manoj**

**(RITU BAHRI )**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether Reportable : Yes/No