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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 11:30
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CWP-28754-2018 (O/M)
Date of decision : 17.11.2018

Krishna Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Ramesh Kumar Ambavta, AAG Haryana.

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KULDIP SINGH, J. (ORAL)

On behalf of State, it is stated that reply is not ready. However, the learned counsel for petitioner has pressed for decision on merits as marriage of sister in law's son of petitioner is fixed for tomorrow i.e. 18.11.2018 and in case, adjournment is granted, petition becomes infructuous.

Petitioner has challenged speaking order dated 8.11.2018 (Annexure-P-1), passed by Superintendent, District Jail, Rohtak, vide which her application of parole for two weeks under Section 3 (1) (b) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, was declined on the ground that petitioner has already availed parole for 2 weeks from 22.3.2018 to 6.4.2018 and parole can only be granted once either under Section 3 (1) (b) or under Section 3 (1) (d) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

The learned counsel for petitioner has contended that petitioner is entitled to avail parole of four weeks in a calendar year. She can split up period of parole and thereafter can seek another parole on another ground.

The learned counsel for petitioner was directed to show any authority in which provisions of Section 3 (1) (b) or Section 3 (1) (d) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, were discussed and decided.

The learned counsel for petitioner has relied upon a Division Bench authority of this Court in *Parveen alias Billa Versus State of Haryana*, 2017 (2) RCR (Criminal) 466. Perusal of said authority shows that cases of furlough and parole are allowed on different grounds.

In present case, in view of Section 11 (3) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007, Superintendent, District Jail, Rohtak, has held that parole can be availed only once in a calendar year. Moreover, there is no police verification report on file. Time is too short to verify antecedents of petitioner to pass order of parole. As such, marriage of near relation of petitioner is no ground to grant parole to petitioner. Petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

17.11.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No