

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.3684 of 2018

Date of decision : 16.02.2018

Rahul

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Shokeen S. Verma, Advocate for the petitioner.

Mr. S. S. Mann, Senior DAG, Haryana.

* * *

DAYA CHAUDHARY, J. (Oral)

The prayer in the present petition is for quashing of order dated 12.02.2018 (Annexure P-1) passed by the Commissioner, Faridabad Division, Faridabad, whereby request of petitioner for parole has been declined.

Briefly stated the facts are that the wife of the petitioner was on the family way and tentative date of delivery as stated by the doctor was 16.02.2018. The prayer is for grant of four weeks parole to enable to the petitioner to be present with his wife. Request of the petitioner has been declined only on the ground that in case he is released on furlough/parole there is possibility that he may commit any crime or may abscond. Nothing has been mentioned as to whether any such report was there or how chances of absconding of the petitioner are there.

Without issuing notice of motion learned State counsel was directed to get appropriate information in the case.

Learned counsel for the petitioner submits that the wife of the petitioner had delivered a child but the child had died during delivery only and now his wife is in critical condition. A copy of the certificate issued by authorised signatory of Anand Hospital, Meerut (U.P.) has been placed on record, wherein it has been mentioned that wife of petitioner namely Ms. Priyanka was admitted in critical condition in the hospital on 15.02.2018 and it is a case of Post LSCS with Sepsis under care of Dr. Neeraj Goel, MS (General Surgeon). It has also been mentioned that the patient was admitted in Intensive Care Unit for treatment. The factum of admission of wife of the petitioner could not be verified by learned State counsel.

It has also been brought to the notice of this Court that parents of wife of the petitioner belong to Meerut (U.P.) and she was with her parents.

It has also been argued by learned counsel that the petitioner has also undergone custody of approximately 08 years as mentioned in the petition. The period of custody as well as the fact as to whether any other case is pending against him be verified. Petitioner is also directed to surrender on expiry of period of two weeks.

After hearing learned counsel for the parties and by considering the submissions as well as the certificate issued by the Anand Hospital, Meerut, it would be in the interest of justice to allow the petition by granting parole for a period of two weeks.

The Superintendent, District Jail, Faridabad is directed to release him subject to adequate surety to his satisfaction.

Copy of this order be given to learned counsel for the petitioner under signature of Bench Secretary of this Court.

16.02.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No