

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

CWP No.4181 of 2018
Date of Decision: 23.02.2018

Paramjeet alias Jony and another

. . . . Petitioners

Vs.

State of Haryana and another

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Randeep S. Dhull, Advocate, for the petitioners.

Mr.Vishal Garg, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for parole under the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 [for short 'the Act'] to solemnize the marriage of their sister which is scheduled to be held on 25.2.2018. Both the petitioners have been convicted for 10 years Rigorous Imprisonment by the Sessions Judge, Kaithal vide order dated 14.8.2017 while trying a case registered vide FIR No.8 dated 24.1.2017 under Section 379-B of the Indian Penal Code, 1860 [for short 'the IPC'] at P.S. Sadar Kaithal. The petitioners are suffering the sentence since 14.8.2017. They have applied for parole to attend the marriage of their sister, which is scheduled to be fixed for 25.2.2018. The said application has been declined by the Superintendent, District Jail, Kaithal vide his order

dated 21.2.2018, *inter alia*, on the ground that the petitioners would be eligible for parole only after completing 1 year of imprisonment after conviction, after earning their first annual good conduct remission under the Act and that they are facing trial in many cases and are not on bail in FIR No.356 dated 22.4.2017 registered under Sections 323 & 506 of the IPC at P.S. Sadar Karnal and FIR No.16 dated 7.1.2017 registered under Sections 324, 506, 307, 379-B & 34 of the IPC at P.S. Modal Town, Panipat.

Learned counsel for the petitioners has submitted that Rule 4(1) of the Act would have no effect on their rights because the condition of completion of one year of imprisonment is not provided in the Act. In this regard, they have relied upon a Division Bench judgement of this Court rendered in the case of *“Deepak Vs. State of Haryana and another”* 2014(4) RCR (Criminal) 531 in which this Court has held that the Haryana Good Conduct Prisoners (Temporary Release) Rule, 2007 [for short ‘the Rules’] cannot supersede substantive provision of the Act in which there is no such restriction.

In view of the Division Bench decision of this Court in the case of *Deepak (Supra)*, the objections of the respondents in terms of Rule 4(1) of the Rules does not survive. However, it is also submitted by learned counsel for the petitioners that on verification it has been found that the marriage of their sister is actually fixed for 25.2.2018 but there is no escape from the fact that the petitioners are involved in many other cases, details of which are appended by the respondents with their reply as Annexure R-3 & R-4 separately for both the petitioners in which they have not been allowed bail.

Thus keeping in view the factual circumstances that the petitioners may not influence the pending trial while being on parole, I do not find it a fit case for interference and hence the present petition is hereby dismissed.

23.02.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>