

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CWP-9070-2018

Date of Decision:12.04.2018

Krishna Devi and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vishwajeet Singh, Advocate for
Mr. Keshav Pratap Singh, Advocate,
for the petitioners.

Mr. Raj Kr. Makkad, Sr. DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Petitioners have filed the present writ petition under Articles 226/227 of the Constitution of India read with Section 3 sub-section (1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for issuance of direction to the respondents to release the petitioners on parole so as to enable them to attend the Rasam Pagri of the mother of petitioner No.1 and mother-in-law of petitioner No.2.

Learned counsel for the petitioners outrightly submits that since no representation was made to the jail authorities for the grant of parole on behalf of petitioner No.3-Sandeep, he does not press this petition at this stage, however, liberty may be granted to the petitioner No.3 to move an appropriate representation to the jail authorities for the grant of parole.

Ordered accordingly.

Learned counsel for the petitioners have argued that mother of petitioner No.1 Chalti Devi, resident of village Bhagela, Tehsil Rajgarh has

died on 06.04.2018 and petitioner No.1 being a real daughter and petitioner No.2 being son-in-law of the deceased-Chalti Devi, are required to perform certain rituals including the “Rasam Pagri and Matka Bharia Ceremony” which are fixed for 13.04.2018 and 17.04.2018, respectively. He prays for a week parole to attend the rituals.

Notice of motion was issued and pursuant thereto, learned State Counsel has filed the short reply by way of affidavit of Satyawan, Superintendent, District Jail, Bhiwani, which is accompanied with the report of the SHO, Police Station Sidhmukh, District Churu, Rajasthan and on the basis of written statement so filed. Learned State Counsel has submitted that there is no dispute as regards the death of Chalti Devi on 06.04.2018 is concerned and her Rasam Pagri and Matka Bharai Ceremony are to be performed on 13.04.2018 and 17.04.2018. The relationship of petitioner Nos.1 and 2 vis-a-vis Chalti Devi is also admitted. However, considering the nature of offences committed by the petitioners, and the period of custody, the petitioners are not entitled for parole.

I have heard the learned counsel for the parties.

The petitioners were convicted and sentenced in FIR No.716 dated 27.10.2016 under Sections 498-A, 304-B, 34 IPC, Police Station Sadar, Bhiwani, and vide judgment dated 01.02.2018, they were convicted and sentenced for a period of seven years for the offence punishable under Section 304-B/34 IPC. They are reported to be in custody for more than nine months.

Section 3 (1) (a) and (d) deals with grant of parole on the laid down conditions, which reads as under:-

“Section 3 (1) (a) and (d)- a member of the prisoner's family had died or is seriously ill or the prisoner himself is

seriously ill' or "husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grand-son or grand-daughter of father-in-law or mother-in-law of the prisoner is seriously ill."

Section 3(1)(a) & (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, "it is desirable to do so for any other sufficient cause"

There is no dispute that Chalti Devi had died and petitioner Nos.1 and 2 are the daughter and son-in-law. Therefore, certain rituals are required to be performed by these petitioners, cannot be disputed. Moreover, there is no strong objection from the respondents as regards relationship and the rituals.

Accordingly, the present writ petition is disposed of with a direction to the respondents to release petitioner Nos.1 and 2 on parole for a period of one week from 13.04.2018 to 20.04.2018 so as to attend the rituals/ceremonies fixed on 13.04.2018 and 17.04.2018.

Petitioner Nos. 1 and 2 are granted emergency parole w.e.f. 13.04.2018 to 20.04.2018 subject to their furnishing the surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner Nos.1 and 2 shall surrender before the jail authorities on 21.04.2018 before 5.00 p.m.

So far as claim of petitioner No.3-Sandeep is concerned, he is permitted to file an appropriate application before the jail authorities, who shall consider the same in accordance with law.

April 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No