

CWP-7057-2019

[1]

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

**CWP No.7057 of 2019 (O&M)
Date of decision: March 25, 2019**

Karambir @ Sonu

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to the respondents to release the petitioner on parole.

The petitioner is undergoing life imprisonment in District Jail Bhondsi, Gurugram after his conviction by the Court.

It is stated that earlier, the petitioner submitted an application to the Superintendent, District Jail Bhondsi, Gurugram which was not initiated. He filed CWP No.4470 of 2019 before this Court, which was dismissed as withdrawn with liberty to file a fresh petition. Hence, the present petition.

Learned counsel for the petitioner contended that the wife of the petitioner is in the family way and the expected date of delivery is 08.04.2019.

The brother of the petitioner is completely blind. The father of the petitioner had passed away in the year 2018. Except the petitioner there is no other male

member in the family to take care of his wife. A copy of the Antenatal Card of Civil Hospital, Bahadurgarh (Jhajjar) is Annexure P-2. He states that the petitioner had submitted an application on 01.03.2019 (Annexure P-1) seeking release on parole for the said purpose but no order has been passed on that application. Learned counsel for the petitioner states that earlier also the petitioner had availed of the concession of temporary release thrice in the year 2018. On each occasion he had surrendered on time on expiry of parole period. There is no complaint or allegation that he misused the concession of parole.

In the reply filed by the Superintendent, District Jail, Gurugram, it is stated that the petitioner is involved in various cases. He has been convicted and sentenced to undergo life imprisonment in one case. He is on bail in three cases. In five cases he has been acquitted. On 27.06.2015, the petitioner was sent for treatment to Safdarjung Hospital, Delhi, where he escaped from police custody. FIR No.628/2015 under Sections 223, 224, 353 IPC was registered in Police Station Safdarjung Enclave, Delhi, wherein, he has been granted bail. He was re-admitted to District Prison, Rohini, Delhi on 11.12.2015 in case FIR No.175/2015 under Section 25 of the Arms Act, Police Station Crime Branch, Delhi. In the said case also, he has been granted bail on 17.12.2018. On 7.10.2014, the petitioner along with other prisoners allegedly committed the murder of an under-trial prisoner Vineet @ Monu @ Chhatri, for which FIR No.283/2014, under Sections 148, 149, 323, 324, 120-B, 302, 303/34 IPC was registered at Police Station Bhondsi, Gurugram. In the said case, the petitioner has been granted bail on 18.1.2019.

It is further stated that the petitioner availed 03 weeks parole from

12.4.2018 to 4.5.2018, which was extended till 31.5.2018 by this Court. He was also granted 03 weeks parole from 30.6.2018 to 22.07.2018 by this court in CWP No.15377 of 2018. Thereafter, he was allowed 02 weeks emergency parole from 3.8.2018 to 18.8.2018 by this Court in CWP No.18324 of 2018.

The fact of the petitioner's wife being pregnant has been verified through the Station House Officer, Police Station Sadar Bahadurgarh, District Jhajjar (Annexure R-1). She is taking treatment from Civil Hospital, Bahadurgarh and the expected date of delivery is 08.04.2019. There is no objection of any villager to the petitioner availing the parole. But it is denied that any application for release on parole for the said purpose was submitted by the petitioner.

From the reply, it is clear that in all other cases, either the petitioner has been acquitted or granted bail. The factum of the pregnancy of the wife of the petitioner and her expected date of delivery as 08.04.2019 has been verified. The petitioner has availed the benefit of parole thrice. On each occasion he had surrendered on time after the expiry of the parole. There is no complaint that he misused the concession of parole.

As no order has been passed by the respondents on the application of the petitioner and they in fact deny having received any such application, ordinarily in such a case the petition would have been disposed of with a direction to the respondents to consider the case of the petitioner expeditiously in the light of the observations made in this petition.

However, considering the urgency of the situation and that the petitioner's wife is in the family way and the medically scheduled delivery date is 08.04.2019 this petition is allowed. It is directed that the petitioner be released on

parole for four weeks as per Section 3(1)(d) read with Section 3(2)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 subject to his furnishing surety bonds to the satisfaction of the District Magistrate/competent authority concerned.

March 25, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No