

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16540-2019 (O&M)
Date of Decision:-10.4.2019

Yashwant Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal K. Chaudhary, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

The petitioner, by way of filing CRM-M-16540-2019, had approached this Court seeking grant of interim bail on the ground that his wife has expired on 6.4.2019. However, it was noticed that infact the conviction of the petitioner for offence under Section 138 of Negotiable Instruments Act had already attained finality and no appeal or revision petition was pending in this Court. Consequently, the petitioner sought an adjournment to amend his petition so as to seek emergency parole.

Accordingly, the petitioner has filed application bearing No.CRM-12451-2019 with a prayer for treating the petition filed by the petitioner i.e.CRM-M-16540-2019 as a Civil Writ Petition for grant of emergency parole to the petitioner.

I have heard the learned counsel for the petitioner.

The learned counsel for the petitioner has submitted that he had infact earlier made an application to the District Magistrate, Faridabad through Superintendent, District Jail, Faridabad seeking grant of emergency

parole for one week on the ground that his wife was unwell, but the said application has been declined vide order dated 5.4.2019. Subsequently, i.e. on 6.4.2019, his wife expired and thereafter his relatives inquired from the office of District Magistrate, Faridabad regarding grant of emergency parole to the petitioner on grounds of death of his wife but they were informed by the office of District Magistrate, Faridabad that since code of conduct due to declaration of general elections has been imposed, therefore, it will not be possible to grant emergency parole.

I find that imposition of code of conduct cannot be a bar for grant of emergency parole more particularly in case of death of a near and dear one. It is thus ordered that in case any such application is moved by the petitioner seeking grant of emergency parole on grounds of death of his wife, the same shall be disposed off expeditiously preferably within a period of two days from filing of such application.

The petition stands disposed of with aforesaid directions.

A copy of this order be furnished to the learned counsel for the petitioner under signatures of Bench Secretary of this Court.

10.4.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No