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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-10619-2019 (O&M)
Date of decision : 6.5.2019

Sanjeev Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

KULDIP SINGH, J.

Petitioner seeks emergency parole under Section 3(1) (d) and Section 2(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and Rule 8 (ii) of the Haryana Good Conduct Prisoners (Temporary Release) Rules 2007 on the ground that delivery of his wife is due on 11.5.2019 and he is required to attend his wife.

It comes out that petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of five years under Section 25 (1A) of the Arms Act 1959 vide judgment of conviction dated 1.2.2019 and order of sentence dated 5.2.2019, passed by learned Sessions Judge, Faridabad.

Learned State counsel has filed the status report by way of affidavit of Deepak Sharma, Superintendent, District Jail, Faridabad which is taken on record. It is further stated that petitioner has not completed one year imprisonment after conviction and has not earned first annual good conduct report. Therefore, he is not entitled for parole. The delivery of the wife of the petitioner is not denied.

I am of the view that it is a case of emergency parole. The mere fact that he has not completed one year imprisonment after conviction is no ground to disallow the emergency parole. The delivery of the wife of the petitioner is due on 11/17.5.2019 as reported by Station House Officer, Police Station Chhainsa, Faridabad .

As such, presence of the petitioner is required to look after his wife and provide necessary medical assistance at odd hours. Notwithstanding the model code of conduct, present petition is allowed and the petitioner is ordered to be released on parole for a period of four weeks to attend the medical emergency of his wife, subject to furnishing adequate surety to the satisfaction of the District Magistrate, Faridabad. Model code of conduct will not come in the way of the release of the petitioner in view of the medical emergency.

Allowed.

(KULDIP SINGH)
JUDGE

6.5.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No