

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16064 -2019(O&M)

Date of decision: 11.07.2019

Bharat Lal

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Susheel Gautam, Advocate for the petitioner
Mr.Tanuj Sharma, AAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned State counsel has filed reply by way of affidavit of Dr.Sanjay Singh, Superintendent, District Jail, Kurukshetra on behalf of respondent nos.1 to 5 in Court. Short affidavit of Mr.Anil Kumar, HPS DSP HQ Kurukshetra is also placed on record. The same are taken on record.

The reply shows that parole was declined on the ground that the petitioner has not completed one year sentence and also not availed first Annual Good Conduct Remission to make him eligible for parole. However, reply of the DSP HQ Kurukshetra shows that the police has inquired the matter and found that wife of the petitioner suffers from Cancer of Ovary third stage. She is getting treatment from PGI. Record of the PGI is also attached. Petitioner is convicted and sentenced to RI for 15 years in addition to fine by learned Additional Sessions Judge, Kurukshetra vide

judgment of conviction and order of sentence dated 5.11.2018.

Since, wife of the petitioner suffers from Cancer of Ovary third stage, therefore, there is medical emergency in the family, for which, the petitioner is required to be present in house to get his wife treated.

As such, it is a fit case where powers under Article 226 of Constitution of India could be exercised to grant parole notwithstanding the bar under the provisions of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

In view of the matter, the petitioner is ordered to be released on emergency parole for four weeks to get his wife treated on furnishing adequate surety to the satisfaction of District Magistrate concerned.

Petition is accordingly allowed.

11.07.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No