

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

**CWP No. 16606 of 2019
Decided On : 25.06.2019**

Ashok Kumar

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

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

Ms. Nidhi Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

The petitioner is seeking writ in the nature of mandamus directing the respondents to release the petitioner on parole for four weeks to enable him to attend the marriage of his son under Section 3 Sub-Sections (1)(b) and (2)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as "the Act").

2. Short reply by way of affidavit of Mr. Sanjeev Kumar, Superintendent, District Jail, Faridabad, has been filed, wherein it has been, *inter-alia*, mentioned that petitioner had not since given any application to attend the marriage of his son in his office and therefore, the prayer for granting parole could not be considered by him.

3. Nothing has been stated in the affidavit to reflect that the petitioner has committed any jail offence during the period of his confinement in jail.

4. Learned State counsel opposes the prayer on the ground that past conduct of the petitioner disentitles him to seek parole. On an earlier occasion when he was granted four weeks parole and released on 30.06.2005, he did not surrender himself on 29.07.2005,

on expiry of four weeks. He remained absconded for a period of 08 years 11 months and 12 days, until he was arrested and produced before the Court of Chief Judicial Magistrate, Faridabad and lodged in jail back on 11.07.2014.

5. Per contra, learned counsel for the petitioner submits that as per the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, a prisoner who has undergone five years of continuous custody in jail, after having remained absconded, is entitled to parole.

6. Since the affidavit does not disclose any misconduct on the part of the petitioner for the past more than five years of having remained in custody, the petitioner is allowed to attend the marriage of his son in police custody with effect from 27.06.2019 at 10:00 AM onwards, subject to police custody to the satisfaction of Jail Superintendent, Faridabad. The petitioner shall be lodged back in jail on 28.06.2019 on or before 10:00 AM. The Jail Superintendent shall also ensure that the police custody is provided to the petitioner in civil uniform.

7. The writ petition stands disposed of accordingly.

(ARUN MONGA)
JUDGE

JUNE 25, 2019
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Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No