

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

**CWP No. 28968 of 2019
Date of Decision: 29.10.2019**

Bharat Lal

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gautam Kumar, Advocate for
Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Learned State counsel submits that he has with him the reply but it has not been vetted and signed. I asked him to pass on reply as it is note the contents. While considering his request for time the written statement and upon perusal, I find that the only reason assigned to contest the petition and deny parole is that the petitioner was granted parole from 15.07.2019 till 13.08.2019 and he has again asked for parole on the same ground.

2. After hearing learned counsel for the parties and upon consideration of the matter I think it not necessary to call for a formal reply from the respondents. The Court is of the view that the reason for a second temporary release on parole shortly after the first one, appears genuine for that he was unable to arrange the funds for the treatment of

his wife (who is suffering from cancer) during the period of earlier parole cannot be said to be unbelievable since in this petition the petitioner avers that he has arranged from his limited means the funds required for the treatment and those could be used in case parole is granted. His wife is taking treatment from PGIMER, Chandigarh and has been advised a line of treatment for which money has to be spent.

3. The petitioner was convicted in FIR No.99 dated 14.07.2016 under Sections 21(b) 21(c) 22 (a), 22(c) and 29/61/85 of the NDPS Act registered at Police Station Ismailabad, District Kurukshetra and sentenced to under rigorous imprisonment for 15 years with fine of Rs.1,50,000/-. The conduct of the petitioner in jail is assumed to be good as nothing adverse is pointed out in the draft reply and also he was granted parole about two months ago. As such it is a fit case where the jurisdiction deserves to be exercised to grant temporary release on parole notwithstanding the curtailments in the provisions of the Haryana Good conduct Prisoners (Temporary Release) Act, 1988 by treating request as an emergency parole for six weeks for the effective treatment of the wife of the petitioner.

4. In view of the above, the petition is allowed. The petitioner is granted parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual including furnishing of adequate surety toward the ends of securing the

presence of the petitioner in jail after the period of parole is over and the temporary release is not misused.

29.10.2019

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : *Yes*
Whether reportable : *Yes/No*