

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.30737 of 2019
Date of Decision:22.10.2019

Rakesh @ Bhutto

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. H.S. Sandhu, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. This case was fixed for hearing today by order. Taken up post lunch.
2. Notice of motion.
3. At the asking of Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice.
4. Heard both the learned counsel for the parties.
5. This is a petition for emergency parole. Petitioner's mother died on 12.10.2019. The cremation was on 13.10.2019, which he could not attend serving life sentence in a murder case. The *tervin* ceremony is to be performed on 24.10.2019 and he prays that he be released on parole to attend the ritual and other connected ceremonies and be with his family in grief. The petitioner has already served sentence of 13 years, 8 months and 2 days as per the custody certificate. The petitioner has availed the concession of parole twice in the past and has been getting furlough annually.
6. I have given my thoughtful consideration to the prayer for parole.

7. Mr. Mohunta has not been able to make sufficient ground for denying parole to the petitioner especially when the prayer is for an emergency and following an unexpected event. The police authorities at Jagadhari have recommended the case of the petitioner vide Annex P-1. Report of the Police Post Arjun Nagar, P.S. City Jagadhari, dated 13.10.2019 is on record including the report of the Station House Officer commanding the same police station, which is also of the same date.

8. Keeping the facts and circumstances in mind and that *tervin* ceremony is to be performed, I would allow this petition without awaiting the report of the District Magistrate, Yamuna Nagar, in view of the emergent situation and time being short and on going through the petitioner's track record in jail and his long incarceration, this Court deems it appropriate to grant four weeks parole to the petitioner from tomorrow i.e. 23.10.2019, enabling him to reach home before sun set on the same day

9. The District Magistrate concerned may pass formal orders, if not tomorrow, then ex post facto granting approval in terms of this order, so that paper work is completed and who has further liberty to impose such conditions as may be required in the Jail Manual 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.

10. Ordered accordingly.

11. Copy of this order be given to the parties under the signatures of Bench Secretary of this Court.

(RAJIV NARAIN RAINA)
JUDGE

22.10.2019
monika

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No