

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

**CWP No. 31409 of 2019
Date of Decision: 31.10.2019**

Baljinder Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Gautam Kumar, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner has approached this Court for parole at the pre-mature stage as his application has not been decided by the authorities. He has approached this Court directly pleading that he has to attend the wedding of his paternal aunt's son (Bua's son) for which wedding invitations have been sent for 08-09.11.2019. The relationship of the petitioner with the groom does not fall in the categories enumerated in Section 3 of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 which provides parole on certain grounds provided the State Government acting through the District Magistrate is satisfied if “the marriage of prisoner himself, his son, daughter, grandson, grand-daughter, brother, sister, sister’s son or daughter is to be celebrated; or...”

2. The petitioner's case does not fall within the defined persons in Section 3(b) of the Act. The principle has been re-affirmed in Rule 8 of the Haryana Good Conduct Prisoner (Temporary Release) Rules,

2007 which provides for cases for “sufficient cause” as in Sub-rule (iv) it is laid down that “sufficient cause” would be for marriage of prisoner's brother's son or daughter to be celebrated in case his brother is not alive.

3. The petitioner's case falls short of the requirements of the Act and Rules. Once the Legislature has defined with sufficient precision certain grounds for temporary release on parole and the contrite meaning of sufficient cause, then it not open to the Court to create an extra category which authority lies only within the province of Parliament or the State Assembly, as the case may be.

4. In view of the legal position in the Act and the rules, no useful purpose will be served in disposing of the case, as finally requested by the counsel, with the direction to the authorities to decide the representation submitted by the petitioner within a fixed time frame as the District Magistrate cannot step out of the limitations imposed by Section 39 (b) of the Act and Rule 8(iv) of the Rules just as much as this Court is precluded from adventuring on what a family should mean or which relationship should be covered and made eligible for parole however strange or desirable it may seem. We have to go by the codified law, parole being a concession to be strictly construed within the frame of the policy in the law in the Act and the rules.

5. Consequently, this Court is constrained to dismiss the petition for want of eligibility for temporary release on parole for

attending the wedding of his cousin, being his father's sister's son.

6. As a result of the discussion above, the petition is found devoid of merit and is hereby dismissed in limine.

(RAJIV NARAIN RAINA)
JUDGE

31.10.2019
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Whether speaking/reasoned : *Yes*
Whether reportable : *Yes*