

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 1321 of 2019

Date of Decision: 04.12.2019

Anil alias Babu

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Ms. Dimple Jain, A.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

Heard.

Petitioner is seeking his release on parole to attend marriage of son of his sister fixed for 07.12.2019 to perform requisite ceremonies like 'Bhat' etc.

Reply filed by learned State counsel is taken on record.

Learned State counsel submits that the petitioner has not completed sentence of one year after his conviction, as such, is not entitled to be released on parole.

Similar matter was considered in case of **Deepak vs. State of Haryana and another, 2014 (4) RCR (Criminal) 531**, wherein provisions of Section 3 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 were considered and it was observed as follows:-

“We have given our thoughtful consideration to the matter. It may be noticed that in terms of Section 3 (1)(a) of the Act, a prisoner is entitled for parole if a member of the

prisoner's family has died or is seriously ill or the prisoner himself is seriously ill. The restriction of one year of imprisonment after conviction to be eligible for temporary release has been imposed by way of Rule 4 of the Haryana Good Conduct Prisoners (Temporary Release) Rule 2007 (for short 'the Rules), which was published in the Haryana Government Gazette (Extra) Legislative Supplement Part III dated 18.12.2007. There being no such restriction in the Act, the Rules cannot supersede substantive provision of the Act."

Keeping in view the ratio of judgment in case of **Deepak (supra)**, this petition is allowed and petitioner on his furnishing personal bond and surety bond to the satisfaction of District Magistrate, Charkhi Dadri is ordered to be released on parole from 06.12.2019 to 10.12.2019.

December 04, 2019

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No