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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 16:28
I attest to the accuracy and
authenticity of this document

CWP-32818-2018 (O/M)
Date of decision : 3.5.2019

Jyoti Parkash

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Attariwala and Ms. Alisha Soni, Advocates,
for petitioner.

Mr. Sanjeev Kadian, Advocate.

Mr. R.K. Ambavta, AAG Haryana.

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KULDIP SINGH, J. (ORAL)

Custody certificate filed in Court today and same is taken on record.

Heard.

Petitioner seeks parole for four weeks for taking care of his ailing mother who is suffering from serious medical problems. Earlier, petitioner approached this Court by way of filing CWP-28855-2018, which was disposed of on 15.11.2018 by a coordinate bench of this Court with directions to jail authorities to pass a speaking order. Now, speaking order dated 25.11.2018 (Annexure-P-4) has been passed and prayer of petitioner has been rejected, mainly on the ground that he was involved in several cases and a mobile was recovered from him on 29.3.2017. He is a hardcore prisoner and has not completed five years of sentence. So far as illness of mother is concerned, that is not denied. As per custody certificate, petitioner has undergone actual sentence of 7 years, 11 months, 14 days, out

of which 4 years, 8 months, 13 days is under trial and 3 years, 3 months, 1 day is after conviction. In this way, petitioner has undergone total sentence of more than 5 years including 2 years custody after conviction. During trial, a mobile phone was recovered from petitioner, for which he has already undergone sentence. The detail of convictions shows that petitioner has been discharged in one case and has undergone sentence in two other cases, whereas in remaining case, he has been acquitted. It being so, these cannot be considered against him. There is no apprehension that petitioner will jump parole. This is first parole case of petitioner.

Considering medical condition of mother of petitioner, petition is allowed and petitioner is ordered to be released on parole, for 4 weeks under Section 3 (1) (a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for taking care of his ailing mother and get her medically treated on his furnishing adequate surety to the satisfaction of District Magistrate concerned. Since Model Code of Conduct is in operation on account of General Elections in country, therefore, petitioner will be released only after Model Code of Conduct is over on 23.5.2019.

(KULDIP SINGH)
JUDGE

3.5.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No