

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

CRWP-3404-2020

Date of Decision: 08.06.2020

SONU

....Petitioner

VS

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Dharamvir Sharma, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

JITENDRA CHAUHAN, J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The petitioner has approached this Court under Articles 226/227 of the Constitution of India along with Section 3(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for issuance of a writ in the nature of certiorari for setting aside the order dated 15.05.2020 (Annexure P-2) passed by respondent No.5, whereby application dated 27.04.2020 (Annexure P-1) to release the petitioner on parole for performing last rites of his deceased father, had been dismissed. Further prayer is made for issuance of a writ in the nature of mandamus by directing the respondents to release the petitioner on parole for a period of four weeks for doing the last rites

of his deceased father.

Learned counsel for the State has filed reply through e-mail and the same is taken of record. Copy thereof has been supplied to the counsel opposite.

Learned counsel for the petitioner states that the petitioner is not involved in any other case and the said fact is duly acknowledged by the learned State Counsel. Learned counsel for the petitioner further states that release of petitioner on parole will not cause any threat to the society.

The factum of death of the father of the petitioner is duly acknowledged but the sole ground for declining the parole is that the cell phone was allegedly recovered from the petitioner. However, the FIR stands registered and the trial has not yet concluded. This Court in CRWP-1374-2017 titled as "*Gurdeep Singh Vs. State of Haryana and others*" decided on 07.12.2017, has stated that the recovery of mobile phone itself does not put the petitioner into the category of a hardcore criminal.

Heard.

Considering the undisputed factum of death of the father of the petitioner, on such occasion, the emotional oneness of the family is very essential for mutual support of each other, we feel that the case for parole is made out. Accordingly, the petitioner is ordered to be released on parole for a period of 15 days from the date of his release as per Rules on furnishing bonds to the satisfaction of the District Magistrate/Duty Magistrate concerned. The petitioner shall

and time of surrender is to be noticed by the releasing Court.

Disposed of accordingly.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

08.06.2020
Himanshu

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No