

CRWP-3982-2020

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

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Date of decision: 24.06.2020

Dinesh Sharma

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shekhar Verma, Advocate for
the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This criminal writ petition has been filed under Article 226 of the Constitution read with Section 482 Cr.P.C. and Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for setting aside the order dated 13.05.2020 (Annexure P-7) passed by the Superintendent of Prison, District Prisons, Karnal, and to release the petitioner on parole for four weeks to look after his mother, who is suffering from depression.

Learned counsel for the petitioner states that vide judgment dated 06.08.2019 passed by the learned Additional Sessions Judge, Karnal, the petitioner has since been convicted and sentenced for eight years in FIR No.559/2018 dated 01.07.2018, registered under Sections 307, 506 and 34 IPC and Section 25 of the Arms Act, 1959, at Police Station Civil Lines

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Karnal, and since then, he has been in custody. The sentence of co-convict has already been suspended vide order dated 05.03.2020. The learned counsel further submits that mother of the petitioner is unstable and his father is also suffering from acute stomach pain. The application of the petitioner was declined by the Superintendent Prison, District Prison, Karnal, on 13.05.2020 (Annexure P-7) on the ground that he has only undergone the period of 08 months and 27 days after conviction, and his case is not covered under Rule 4 of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. The learned counsel relies upon the judgment dated 19.02.2020 passed in CRWP-1523-2020, titled as '**Mannu alias Yash vs. State of Haryana and others**'.

On the other hand, learned State counsel submits that the petitioner has not completed one year of imprisonment after his conviction and thus, his case is not covered under Rule 4(1) of the Haryana Good Conduct Prisoners (Temporary Release), Rules, 2007 and, therefore, this petition is liable to be dismissed.

I have heard the learned counsel for the parties.

The temporary release of the petitioner on parole is a procedural provision and is directory in nature. Now at this stage, the petitioner has already undergone 10½ months post conviction presumably the total conviction undergone is more than 17 months. Considering the above circumstances, the present petition is allowed and the impugned order dated 13.05.2020 (Annexure P-7) is set aside. The petitioner is ordered to be released on parole w.e.f. 26.06.2020 to 09.07.2020, to the satisfaction of the District Magistrate concerned, who is further directed to impose such

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conditions as may be required in the Jail Manual towards the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

(HARNARESH SINGH GILL)
JUDGE

24.06.2020
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No