

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
101

CRWP No. 4893 of 2020
Date of Decision: 17th July, 2020

LalitPetitioner

VERSUS

State of Haryana and othersRespondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Manish Soni, Advocate for the Petitioner.
Mr. Deepak Balyan, Additional Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. This is the second petition filed by the Petitioner after his representation to the Jail Superintendent, District Prison, Gurugram for release on parole to attend to the impending surgery of his wife, was rejected by the speaking order dated 9th July, 2020.

2. Earlier, by an order dated 7th July, 2020, this Court had permitted the Petitioner to approach this Court, if the order in his application to the Superintendent, District Jail, Gurugram was adverse to him.

3. The reason given by the Petitioner for seeking parole is that his wife has to undergo a surgery for Appendicitis. The impugned order itself sets out the report of the enquiry conducted by the Station House Officer, Sector 10, Gurugram dated 8th July, 2020, which notes that Dr. B.S. Singhal, who is treating the Petitioner's wife, has given in writing that due to her ailment she is serious. The enquiry which was conducted by the Assistant Sub-Inspector

shows that the Petitioner has been living separately with his wife, that his

children are minors and that the Petitioner has been dishonoured from the property by his family.

4. It is plain that the medical condition of Petitioner's wife is such that she requires surgery. Additionally the Petitioner has enclosed a certificate dated 11th July, 2020 from the concerned hospital where the surgery is to take place on or before 23rd July, 2020.

5. Learned State Counsel has referred to an incident of recovery of a mobile phone from the Petitioner to contend that he is a 'hardcore prisoner' in terms of Section 2 (aa) (iv) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 and would, therefore, be disentitled to grant of parole.

6. The Court finds that the recovery of the mobile phone took place more than 4 years ago i.e. on 7th March, 2016, for which a separate FIR has been registered. Given the circumstances, the Court is of the view that the above solitary incident, which also appears to be stale, ought not to come in the way of Petitioner being granted parole. The impugned order dated 9th July, 2020 of the Deputy Superintendent of Prison, Gurugram, is accordingly set aside.

7. The Court accordingly directs that the Petitioner be released on parole for a period of 3 weeks from the date of his actual release, which should not be later than 20th July, 2020 subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of like amount in favour of the Superintendent, District Prison, Gurugram and subject to the further condition that he will positively surrender on the expiry of his parole period.

8. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

17th July, 2020
jk

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