

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

CRWP-178-2021

Date of Decision: February 16, 2021

Lalit

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Prateek Rathee, Advocate,
for the petitioner.

Mr. Raman K. Sharma, Addl. Advocate General, Haryana.

VIVEK PURI, J.

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

We have heard learned counsel for the parties and perused the record.

Through the present criminal writ petition, the petitioner is seeking his release on emergency parole for a period of three weeks under Section 3(1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, to facilitate the surgery of his wife and post surgical care.

The petitioner has been convicted for having committed the offences under Sections 302, 201 IPC and Section 25 of the Arms Act and sentenced to undergo imprisonment for life. The petitioner is seeking the emergency parole on account of ailment being suffered by his wife which

requires surgical intervention.

The petition has been mainly resisted on the score that the petitioner falls in the category of hardcore prisoner as a mobile phone was also recovered from him. Consequently, an FIR bearing No. 85/2016, under Section 42(A) of the Prisons Act was registered against him at Police Station Bhondsi.

However, a co-ordinate Bench of this Court in CRWP-4893-2020 was not convinced with the resistance put-forth by the State in an earlier matter wherein the petitioner was seeking release on parole and it was observed as under:-

“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.”

The perusal of the reply makes it amply clear that Jyoti, wife of the petitioner, is undergoing treatment from Sunrise Hospital. The petitioner has two children. The elder daughter is aged about 10 years and younger to her is a son. Furthermore, the wife of the petitioner is residing separately from her in-laws. At the earlier instance, the surgery was to be performed on 16.01.2021, but she could not be operated as the petitioner was not granted parole and there was no one to look after her at home. Now, the surgery is scheduled for 20.02.2021.

As such, it is amply clear that the wife of the petitioner is

residing alone with two small children. Consequently, the wife of the petitioner requires attendant at the time of her surgery and post surgical recovery.

It has not been disputed that at the earlier instance, the petitioner was granted parole on two occasions and had returned back without misusing the concession extended to him.

Keeping in view the health condition of the wife of the petitioner, the present petition is allowed and the petitioner is granted three weeks' emergency parole subject to his furnishing indemnity bonds with two local sureties to the satisfaction of the competent authority/Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be notified by the competent authority/Duty Magistrate.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

February 16, 2021
vkd

<i>Whether speaking/reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>