

CRWP-1215-2020

Date of decision : 19.02.2021

IRSHAD

...PETITIONER

Versus

STATE OF HARYANA AND ORS.

...RESPONDENTS

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

Present: Mr. Afzal Hussain, Advocate for the petitioner.

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

JITENDRA CHAUHAN J. (ORAL)

This is a petition under Articles 226/227 of the Constitution of India read with Section 3 (1) clause (a) & (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 seeking quashing of impugned order dated 27.01.2021 (Annexure P-3), passed by respondent No.2, whereby, the prayer to release the petitioner on parole for three weeks has been declined.

Reply by way of an affidavit of Deputy Superintendent, District Jail, Faridabad on behalf of the respondents has been circulated in Court today and the same is taken on record. Copy thereof has been supplied to the learned counsel opposite. As per the reply, the wife of the petitioner, namely, Afsana is suffering from gallbladder stone (Cholelithiasis) and requires Laproscopic/Open Cholecystectomy.

Learned counsel for the petitioner submits that there is no one in the family to look after his wife and four minor children. He refers to order dated 22.01.2020 (Annexure P-4) passed by this Court whereby identically placed co-convict, namely, Mubarik was granted parole for three weeks to attend his ailing daughter aged 11 years.

On the other hand, learned State counsel opposes the prayer made by the petitioner and submits that the petitioner falls under the category of hardcore prisoner.

Heard.

Considering the fact that the wife of the petitioner requires immediate medical help and the petitioner being husband has to arrange for the funds and other arrangements and to be with her for emotional support, and that there is nothing on record to suggest that the conduct of the petitioner in jail is not satisfactory, we feel it appropriate to accept the petition.

Keeping in view the medical history of the wife of the petitioner, the present petition is allowed and the petitioner is granted three weeks' parole, subject to his furnishing indemnity bond in the sum of Rs.50,000/- with two local sureties of the like amount 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 releasing Court/Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

19.02.2021
renubala

Whether speaking/reasoned : Yes No
Whether Reportable : Yes No