

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

CRWP NO.3572-2021

Date of Decision: 19.04.2021

ARUN @ SHANKAR

....PETITIONER..

Versus

STATE OF HARYANA AND ORS.

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Krishan Singh, Advocate for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

SANT PARKASH , J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

Instant petition has been filed under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. read with Section 3 (1) (d) of Haryana Good Conduct Prisoners, (Temporary Release) Act 1988, directing the respondents to release the petitioner for four weeks emergency parole to get his sons admitted in the school or in alternate give a direction to the respondents to decide the case of the petitioner.

The petitioner was tried in FIR No.174 dated 15.05.2009, under Sections 307 read with Section 34 IPC and Section 25 of the Arms Act, Police Station Sadar Sonapat, District Sonapat and accordingly, he had been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, the petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the petitioner is

having two sons namely, Hiten and Jatin, who are to be admitted in school and except the petitioner there is no other member in the family to get the sons of petitioner admitted in the school and can arrange money etc. The wife of the petitioner is at home but she is not able to get her sons admitted as she is illiterate. The wife of the petitioner has also submitted an application to respondent No.3 for parole but till today no decision has been taken.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition.

After having heard learned counsel for the parties and perusing the paper book, we are not inclined to extend the benefit of parole to the present petitioner. The solitary ground for seeking parole is to get his sons admitted in the school but this fact is duly mentioned in the petition itself that the wife of the petitioner is residing alongwith her children and in our considered view, when the wife of the petitioner can move an application before respondent No.3-Superintendent, District Faridabad, she can certainly get her sons admitted in the school. Otherwise also, a complete procedure and mechanism has been provided under the Act/Rules seeking concession of parole and instead of approaching the appropriate authority, the petitioner has approached this Court under Article 226/227 of the Constitution of India, which is not permissible.

At this stage, learned counsel for the petitioner has apprised this Court that the wife of the petitioner has already moved the representation (Annexure P-2) but no decision has been taken by the competent authority.

In view of this fact, it would be desirable if the competent authority takes its decision on the representation (Annexure P-2) in accordance with law within a reasonable time.

Accordingly, the present petition stands dismissed with the above terms.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

19.04.2021
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whether speaking/reasoned: Yes/No
whether reportable: Yes/No