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

CRWP-11520-2021
Date of decision : 07.12.2021

Manoj Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a Criminal Writ Petition filed under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus seeking directions to the respondents to extend the period of parole of the petitioner by a period of four weeks in view of the fact that wife of the petitioner has developed an infection during the operation which was conducted at the time of birth of the child.

Learned counsel for the petitioner has submitted that the petitioner was convicted in FIR No.143 dated 17.12.2009 registered under Sections 364-A, 302, 201, 120-B of the Indian Penal Code, 1860 and his appeal against the said conviction had also been dismissed by this Court vide judgment dated

02.05.2018. It is further submitted that the petitioner had earlier filed Criminal Writ Petition under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus seeking direction to release the petitioner on parole for a period of four weeks. The said parole was sought on the ground that wife of the petitioner was 8 months pregnant and the delivery of the child had to take place in November, 2021. It is argued that as per the said order, the petitioner was on parole upto 11.12.2021. It is further argued that in order to avail the said parole, he had furnished the appropriate bonds to the satisfaction of the competent authority. It is contended that the petitioner and his wife namely Rekha were blessed with a female child on 14.11.2021 but however, wife of the petitioner namely Rekha developed an infection on account of the said operation and she has been advised bed rest for a period of 7 weeks and the petitioner is the only person who can take care of her during this period. For the said purpose, the petitioner has relied upon the Medical Certificate dated 28.11.2021 (Annexure P-2). It is also submitted that the petitioner would also have to take care of the new born child during the said period.

This matter had been taken up on 06.12.2021 on which date, notice of motion was issued and the State Counsel was directed to verify the genuineness of the Medical Certificate (Annexure P-2). In pursuance of the same, State counsel has submitted a letter from the Superintendent of Prison, Central Prison-I, Hisar, which is taken on record and a perusal of the same would show that after verification, it has been found that the petitioner's wife namely Rekha had got infected after delivery on 14.11.2021.

This Court has heard the learned counsel for the parties and has perused the paper book.

The fact that wife of the petitioner has developed an infection

after the delivery of child on 14.11.2021, stands established from the Medical Record and report submitted by the Superintendent of Prison, Central Prison-I, Hisar. The Division Bench of this Court in **judgment dated 20.09.2021** passed in **Criminal Writ Petition No.8781 of 2021 titled Yogesh @ Bittu and another Vs. State of Haryana and others**, was pleased to extend the parole for the purpose of performing *terahvi* ceremony of the petitioner's father, although, the petitioner therein had been granted parole earlier and even extended thereof and further, in another **judgment dated 12.03.2021** passed in **CRWP-2356-2021** titled **Lalit Vs. State of Haryana and others** where the petitioner therein had already availed parole for four weeks, his parole was further extended for three weeks for surgery management & post-surgery case of his wife.

Thus, keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is allowed and the parole which was granted to the petitioner for the period upto 11.12.2021, is further extended upto 27.12.2021, for taking care of his wife and new born child, on previous bail bonds which have already been furnished by him before the District Magistrate, Hisar/competent authority.

The petitioner is directed to surrender before the concerned Jail Authorities on 27.12.2021 at 4:00 pm.

07.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**