

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

204

CRWP-6039-2022

Date of decision : 11.07.2022

Randhir Singh

Petitioner

V/S

State of Haryana and others

Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sachin Gupta Ladwa, Advocate
for the petitioner.

Mr. Saurabh Mago, A.A.G, Haryana
for the respondents.

ASHOK KUMAR VERMA , J. (ORAL)

Prayer in the present petition is for issuance of directions to the respondents to release the petitioner on parole for four weeks to look after his wife during her surgery.

Learned Counsel for the petitioner has contended that in view of the provisions of Section 3(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the 1988 Act'), the petitioner is entitled for temporary release on parole on the ground of serious illness of his wife for attending her during her surgery. The petitioner never misused the concession of parole granted to him earlier. Therefore, the petitioner may be released on parole.

Learned State Counsel has opposed the present petition in terms of reply filed by way of affidavit dated 06.07.2022 of the Superintendent, District Prison, Karnal. He submitted that on verification of facts it has been found that surgery of wife of the

petitioner is suggested by the doctor but the petitioner have two sons who can look after their mother during her surgery.

Section 3(1)(a) of the 1988 Act provides that a prisoner can be temporarily released on a parole by the State if a member of the prison's family had died or is seriously ill or the prisoner himself is seriously ill. In *Kulwant Singh VS. State of Punjab (PHHC): 1987(2) CrLJ (CCR) 438* parole was allowed on the ground of serious illness of mother. Since there is no condition that such parole can be granted only where the prisoner is the only person to look after such family member seriously ill, temporary release on parole cannot be denied on the ground of mere availability of other family member to attend such family member who is seriously ill for his/her medical treatment.

In view of the above discussion, the present petition is allowed and the petitioner is ordered to be released on parole for four weeks w.e.f. 13.07.2022 on furnishing of personal bonds to the Superintendent, District Jail, Karnal and the petitioner shall surrender before the Superintendent, District Jail, Karnal on 09.08.2022 before 05:00 P.M.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

11.07.2022
kothiyal

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