

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

CRWP No.7979 of 2022(O&M)

Date of Decision: 23.08.2022

Krishan @ Bablu

.....Petitioner

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Babita, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

HARINDER SINGH SIDHU, J

Petitioner has instituted instant petition under Section 3 (1)(b) of Punjab Good Conduct Prisoners (Temporary Release) Act seeking 21 days parole so as to enable him to perform last rites of his mother.

Vide judgment and order of sentence dated 01.06.2019 and 04.06.2019 respectively passed by learned Addl. Sessions Judge, Yamuna Nagar, the petitioner has been convicted under Section 6 of the Protection of Children from Sexual Offence, 2012 and sentenced to undergo RI for fourteen years and pay a fine of Rs.15000/-.

Feeling aggrieved by the said judgment, the petitioner filed an appeal, which stands admitted vide order dated 05.08.2019.

It is stated that mother of the petitioner died on 12.8.2022 and that her kirya ceremony is scheduled for 24.8.2022. Petitioner being the eldest son has to perform her last rites.

The factum of death of mother of the petitioner has been

verified. In the reply filed by way of affidavit dated 22.08.2022 of the DSP, District Jail, Yamuna Nagar, it is stated that the petitioner was permitted to go for last rites and rituals of his mother on 12.8.2022 in police custody. It is stated that the petitioner falls under 'Hardcore Prisoner' category as per Haryana Good Conduct Prisoners (Temporary Release) Act, 2002 and thus, he is not entitled for grant of parole until he completes five years of imprisonment including two years as under-trial. As of now, the petitioner has undergone four years, four months and 12 days as under-trial and conviction period.

Taking into account the facts of case in hand particularly the fact that the petitioner being the eldest son in the family has to perform last rites of his mother, the petition is allowed. Petitioner is directed to be released on parole for a period of four days commencing from today 23.8.2022 till 28.08.2022 on furnishing bail bonds/sureties. He is directed to surrender before the Jail Authorities by 05.00 p.m on 29.08.2022 after availing his parole.

(Harinder Singh Sidhu)
Judge

August 23, 2022
manoj

(Lalit Batra)
Judge

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