

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-8654-2022
Date of decision : 09.09.2022

Bhim Singh

... Petitioner

Versus

State of Haryana and others

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a Criminal Writ petition under Articles 226/227 of the Constitution of India in the nature of mandamus for directing the respondents to release the petitioner on emergency parole as the father of the petitioner has died on 04.09.2022 during furlough period of the petitioner in FIR no.155 dated 25.08.2008 registered under Sections 302/34 IPC at Police Station Ateli, District Mahendergarh.

Learned counsel for the petitioner has submitted that the petitioner is lodged in jail in the above said FIR and has been convicted and sentenced for life imprisonment. On 17.08.2022 the petitioner was released on furlough upto 15.09.2022 and thereafter the father of the petitioner has died on 04.09.2022 and the petitioner has made two representations dated 01.09.2022 and 05.09.2022 but no action has been taken on the said representations till date.

Learned counsel for the petitioner has submitted that the respondent authorities be directed to consider and decide the representation dated 05.09.2022 upto 13.09.2022 as the petitioner has to surrender on 15.09.2022.

Notice of motion.

On advance notice, Mr. Dhruv Sihag, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and has submitted that he is fully prepare to argue the matter and assist this Court. He has submitted that it is the competent authority who has to go into the merits of the case but states that keeping in view the fact that the petitioner is on furlough till 15.09.2022, every effort would be made to consider the representation dated 05.09.2022 by the competent authority upto 13.09.2022.

Keeping in view the above said facts and circumstances, the present petition is disposed of, requesting the official respondents no.3 to 5 to coordinate with each other and to consider and decide the representation dated 05.09.2022 (Annexure P-2) upto 13.09.2022.

This Court has not considered the merits of the case and the competent authority would independently pass an order on the representation, in accordance with law.

(VIKAS BAHL)
JUDGE

September 09, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No