

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
103**

CRWP-10191-2022

Date of decision: 14.11.2022

ALI KASIM

.....PETITIONER

Versus

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Parveen Sharma, Advocate,
for the petitioner.

Mr. Pravindra S. Chauhan, Sr. Addl. A.G. Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In this writ petition, the prayer is for release of the petitioner on parole for performing certain religious rites and ceremonies which are to be performed by the brother during the marriage of his sister especially in the absence of the father who has expired. It has further been stated that there is no other brother who could take care of such a situation. The marriage of the real sister of the petitioner is fixed for 15.11.2022.

Counsel for the State of Haryana has filed a reply by way of affidavit of the Superintendent, District Jail, Karnal dated 11.11.2022, wherein this aspect, on facts, has not been disputed. The plea, which has been taken, is that the offence, which has been committed by the petitioner, falls in the category of 'hardcore prisoner' and, therefore, he would not be entitled to the benefit of parole. It has further been stated that the custody is

4 years, 8 months and 14 days whereas the required period is at least 5 years. Assertion has, therefore, been made that since the petitioner is not entitled to such a benefit, his prayer may be declined.

We have considered the submissions made by the counsel for the State and keeping in view the provisions, as contained in Section 3 (1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, which takes care of situations where there is a provision so provided for temporary release on the specified grounds as also the fact that there is none other than the petitioner who can perform the religious ceremonies relatable to the marriage of his sister in the absence of his father, the prayer made in this writ petition is allowed and the petitioner is directed to be released on parole for a period of seven days.

Since the marriage of the sister of the petitioner is fixed for tomorrow i.e. 15.11.2022, the formalities be completed today itself and in case the petitioner complies with the requirements, he be released on parole by 5 P.M. today.

It goes without saying that the petitioner would surrender on completion of seven days before the Jail Superintendent, Karnal.

Petition stands disposed of accordingly.

Copy of this order be given **dasti** under signatures of the Special Secretary of this Court.

(AUGUSTINE GEORGE MASIH)
JUDGE

14.11.2022
PJ

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>