

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

CRWP-10236-2022
Date of Decision: 02.11.2022

Suresh Kumar Petitioner

Vs.

State of UT, Chandigarh and others Respondents

CORAM: HON'BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS JUSTICE SUKHVINDER KAUR

Present: - None.

M.S. RAMACHANDRA RAO, J. (ORAL)

Advocates are abstaining from work.

Petitioner, who has been convicted in FIR No.380 dt.29.10.2017 under Sections 120B, 363, 376 & 506 IPC and also Sections 4 & 6 of the POCSO Act by order dt.23.01.2020 passed by the learned Additional Sessions Judge-cum-Special Court, Chandigarh and whose appeal CRA-D-191-2020 is pending before this Court, is seeking parole stating that his father one Kartar Chand had died on 23.10.2022. It is contended that the elder brother of the petitioner is unable to understand things. It is stated that though the Duty Magistrate on 23.10.2022 granted permission to the petitioner to perform last rites, but by the time the petitioner could reach the cremation ground from jail where he was in custody, the last rites were completed by his elder sister. It is contended that on 04.11.2022 some more rites are to be performed and the petitioner is seeking parole for 28 days. It is not in dispute that the Inspector General of Prisoners, Union Territory, Chandigarh had

rejected the petitioner's request for parole stating that the petitioner is a habitual offender and he was involved in heinous crime, and that there is apprehension that he would commit the same crime again.

In the reply filed by the respondent, which is taken on record, the same is reiterated and it is also contended that as per the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 a convict has no right to parole.

After noting the contentions of both sides, since the petitioner is seeking to perform the last rites of his father, on humanitarian grounds, the Criminal Writ Petition is allowed and parole is granted to the petitioner from 03.11.2022 to 07.11.2022 (both days inclusive), subject to the petitioner furnishing surety/bail bonds to the satisfaction of the District Magistrate, Chandigarh. The petitioner shall surrender himself before the Model Jail, Chandigarh on 07.11.2022 by 5.00 PM without fail.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

02.11.2022

Vivek

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No