

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-10707-2022

Date of Decision: 11.11.2022

Tarun Kumar @ Patta

.... Petitioner

Versus

The State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Sahil Choudhary, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this writ petition filed under Articles 226/227 of the Constitution of India read with Section 3(1) (2) of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, is for grant of emergency parole for a period of two weeks for attending the ritual ceremony of his grandmother.

Briefly, vide judgment dated 23.02.2022 passed by the learned Additional Sessions Judge, Yamuna Nagar, the petitioner was convicted under Section 379-A IPC, in case FIR No. 366 dated 06.09.2021 registered under Section 379-A IPC at Police Station Gandhinagar, District Yamuna Nagar. Now, he is undergoing imprisonment for a period of five years in District Prison, Yamuna Nagar. The grandmother of the petitioner was expired on 28.09.2022. On cremation of his grandmother, the jail authorities have granted emergency parole to the petitioner for two weeks but he failed to avail the aforesaid parole as his family members were not able to furnish his surety and bail bonds within the prescribed period of 15 days. Now the last ritual ceremony of grandmother of the petitioner is fixed for 13.11.2022 and the

petitioner being grandson is required to perform the said ceremony. The mother of the petitioner has applied for emergency parole before Superintendent, District Jail, Yamuna Nagar, vide application dated 01.11.2022 (Annexure P-4) which was declined by respondent No. 3 vide order/letter dated 02.11.2022 (Annexure P-5). Hence, the present petition.

Learned counsel for the petitioner contends that the petitioner being grandson is required to perform last ritual ceremony of his grandmother which is fixed for 13.11.2022 as both his parents are handicapped and he has to make necessary arrangements. Thus, he prayed for the release of petitioner on emergency parole for a period of two weeks.

After hearing the learned counsel for the petitioner, this Court finds that there is no merit in the instant petition. The ground taken by the petitioner for grant of emergency parole to perform last ritual ceremony of his grandmother is no more in existence as his grandmother has died long back on 28.09.2022. Moreover, at the time of cremation of his grandmother, the petitioner was granted parole for two weeks by the jail authorities, but he was not able to avail the said parole as his family members were not able to furnish his surety and bail bonds within the prescribed period of 15 days.

Dismissed.

November 11, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No