

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-11059-2022

Date of decision : 24.11.2022

Rekha

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Prateek Rathee, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to take decision on the application dated 26.09.2022 seeking temporary release of husband of the petitioner namely Manoj Yadav as expeditiously as possible.

Learned counsel for the petitioner has submitted that the petitioner is wife of Manoj Yadav who is serving life imprisonment at Central Jail-1, Hisar, Haryana, having been convicted in FIR no.143 dated 17.12.2009 under Sections 364A, 302, 201, 120-B IPC at Police Station Bhondsi, Gurugram and no decision has been taken in the application dated 26.09.2022 till date. He has further referred to Section 12(11) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 which is reproduced as under:-

“(11) The process of deciding the application for a regular parole or furlough shall be completed by the different authorities expeditiously. The

maximum time for processing an application for a regular parole or furlough by the different authorities shall be as under:-

<i>Superintendent Jail</i>	<i>One week</i>
<i>Deputy Commissioner of Police or Superintendent of Police</i>	<i>Two weeks</i>
<i>District Magistrate</i>	<i>Two weeks</i>
<i>Competent Authority</i>	<i>Two weeks</i>

Provided that if the recommendation or report is not received in the stipulated time period, the competent authority may presume that there is nothing adverse against the prisoner and may decide the application accordingly.”

It is stated that perusal of the above would show that the decision with respect to the grant of parole is to be taken within a period of 7 weeks and in the present case, 7 weeks have already elapsed.

Notice of motion.

Mr.Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of the respondent-State and has submitted that in case the application dated 26.09.2022 has been filed, the decision would be taken on the same, in accordance with law, as expeditiously as possible and preferably within a period of 10 days from the date of receipt of certified copy of the present order.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the official respondents to take a final decision on the application dated 26.09.2022 within a period of 10 days from the receipt of a certified copy of the present order.

(VIKAS BAHL)
JUDGE

November 24, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No