

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

CRWP-115-2023

Date of decision: 15.02.2023

Bhoop Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sandeep Lather, Advocate,
for the petitioner.

Mr. Pawan Girdhar, Addl. A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking setting aside of the order dated 07.10.2022 (Annexure P-5) passed by respondent No.4-Superintendent, Central Jail, Hisar, whereby his application seeking parole for a period of 08 weeks has been rejected. A further prayer has been made for issuance of direction to the respondents to release the petitioner on parole for a period of 08 weeks as per the provisions of the Haryana Good Prisoners (Temporary Release) Act, 1988 and 2022, for treatment of his old age mother, who is suffering from cancer.

Upon notice, a status report dated 13.02.2023 has been filed by the Deputy Superintendent of Police, Hansi, on behalf of respondent No.1.

Along with the status report, the respondents have placed on record

certificate/document (Annexure R-1) to show that Smt. Roshni Devi, mother of the petitioner, was under treatment (at ENT OPD) at Menon Hospital, Green Square Market, Hisar. As per certificate (Annexure R-2), mother of the petitioner is suffering from cancer and she is getting treatment from Aadhar Health Institute, Tosham Road, Hisar.

A separate reply dated 09.02.2023 has also been filed on behalf of the respondents, wherein it is stated that the petitioner falls under the category of hardcore prisoner and a hardcore prisoner can be released on temporary basis or on furlough on completion of five years of imprisonment as per provisions of Section 6(3) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. Along with the reply, copy of the said Act has also been placed on record. As per Section 6(3) of the Act, a hardcore convict prisoner is not entitled to be released on emergency parole or regular parole or furlough before he completes five years of his sentence. He can only be granted custody parole for attending funeral of his family members or marriage of his children or siblings.

Since, in the present case, the petitioner has not completed five years of sentence, he is not entitled to be released on parole. However, the mother of petitioner is suffering from cancer and getting Chemotherapy, as is evident from Annexures R-1 and R-2. Keeping in view the fact that petitioner is the only son of his mother (as stated in the petition), he is entitled to be released on interim bail for a period of five (05) days enabling him to meet his ailing mother, whose condition is critical.

In view of the above, the petitioner is ordered to be released on interim bail for a period of five (05) days w.e.f. 16.02.2023, subject to

Magistrate/Duty Magistrate concerned. On completion of the period of five days, he will surrender before the jail authorities on 21.02.2023.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

15.02.2022
ajp

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