

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-213-2023 (O&M)
Date of Decision:-11.1.2023

Chander Hass @ Hans Ram @ Hansa

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Mr. Charan Singh, Deputy Superintendent,
District Prison, Gurugram.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of parole for 3 weeks so as to participate in the last rites of his brother, who is stated to have expired on 1.1.2023 and in respect of whom 'Bhog' ceremony is to be performed on 12.1.2023.
2. Short reply by way of affidavit of Shri Charan Singh, Deputy Superintendent, District Prison, Gurugram has been filed by learned State counsel, which is taken on record.
3. Pursuant to interim directions issued by this Court on 10.1.2023, learned State counsel, upon instructions from Mr. Charan Singh, Deputy Superintendent, District Prison, Gurugram, has informed that assertions of the petitioner regarding death of his brother and regarding conducting of 'Bhog' ceremony on 12.1.2023 have been verified and found to be correct.

Learned State counsel has, however, opposed the petition on the ground that the petitioner stands convicted and has been sentenced to undergo life imprisonment for having committed offence under Section 302 of Indian Penal Code and on two previous occasions had absconded while availing parole.

4. Having regard to the facts and circumstances of the case and also the previous record of the petitioner and also the fact that the real brother of the petitioner is stated to have expired on 1.1.2023 and in respect of whom 'Bhog' ceremony is to be performed on 12.1.2023, the instant petition is accepted to the limited extent that the petitioner is permitted to attend the 'Bhog' ceremony in respect of his brother on 12.1.2023 while in custody.
5. The Superintendent, District Prison, Gurugram shall do the needful for taking the petitioner while in custody to the venue of 'Bhog' ceremony in respect of death of his brother on 12.1.2023 in the morning and consign him back in the jail on the evening of 12.1.2023 itself.
6. The aforesaid order shall, however, be subject to the condition that the family/relative of the petitioner deposits the expenses in advance, which are to be incurred for taking the petitioner to the venue of the said ceremony and to consign him back in jail.
7. The instant petition stands disposed off accordingly.
8. A copy of this order be furnished to learned counsel for the petitioner under signatures of Bench Secretary of this Court.

11.1.2023

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No