

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

CRWP-757-2023 (O&M)
Date of Decision:- 27.1.2023

Naresh @ Nehru

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Priya Mishra, Advocate for
Mr. Ravinder Bangar, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of parole for three weeks so as to perform the last rites on account of death of his father who is stated to have expired on 20.1.2023.
2. Pursuant to issuance of notice of motion, the State counsel has passed on a copy of reply which is taken on record subject to all just exceptions. The State shall file the original in the Registry.
3. The petitioner had applied for grant of parole to the authorities concerned on account of demise of his father, but his application has been declined vide order dated 25.1.2023 having regard to the antecedents of the petitioner who is currently facing trials in respect

of two different FIRs i.e. FIR No.837/2020, Police Station Bhiwadi, Alwar, Rajasthan, under Sections 363, 366-A, 376-D, 399, 402 IPC and Section 6 of POCSO Act and FIR No.172/2018, Police Station Bhondsi, Gurugram, under Sections 323, 34 IPC, though he stands acquitted/discharged in another four cases.

4. Another fact that has been taken into account while declining parole vide order dated 25.1.2023 is that the petitioner while availing parole in the year 2020, on an earlier occasion, had committed heinous offences and regarding which FIR No.837/2020, under Sections 363, 366-A, 376-D, 399, 402 IPC and Section 6 of POCSO Act, Police Station Bhiwadi, Alwar, was registered and case is still pending.
5. This Court has considered the rival submissions.
6. It goes without saying that a son would be required to perform certain last rites in respect of demise of his father. However, having regard to the track record of the petitioner, who has been involved in several cases and also particularly keeping in mind that previously i.e. in the year 2020, when he was granted parole, he committed a heinous offence pertaining to offence under Section 376 IPC and Section 6 of POCSO Act, this Court is of the opinion that it is not safe to release the petitioner on parole.
7. However, having regard to the fact that he is required to perform certain last rites on account of demise of his father, it is directed that the petitioner shall be taken to the venue at Rajasthan on 30.1.2023 where the last rites are stated to be conducted, while in custody. Though, the date for performance of the said last rites in question is

not mentioned in the petition, but it has today been stated before this Court that the same are to be performed on 30.1.2023. The Jail Superintendent, District Jail, Gurugram, shall do the needful for taking the petitioner in custody to the venue of last rites on the morning of 30.1.2023 and to consign him back in jail by evening.

8. The aforesaid order is however, subject to the condition that the entire expenses is to be incurred for the purpose of transportation etc. shall be deposited in advance by the petitioner/family of the petitioner before the Jail authorities.

27.1.2023

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No