

KRISHAN

....Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWANPresent: Mr. Lajtap Rai Sharma, Advocate
for the petitioner.Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Saurabh Mago, AAG, Haryana.

G.S. SANDHAWALIA, J.(ORAL)

The present petition has been filed under Article 226 of Constitution of India read with Section 5(1) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, for grant of parole to the petitioner on the ground of marriage of his nephew, which is fixed for 22.02.2023, while referring to the Marriage Invitation Card (Annexure P-1). It has been averred that being a maternal uncle, he is required to attend the marriage.

On 31.01.2023, following order was passed.:-

“Learned counsel for the petitioner contends that the parole is sought on the ground that the marriage of the niece of the petitioner has been fixed for 22.02.2023, while referring to the marriage card Annexure P-1.

Notice of motion.

Mr. Ankur Mittal, Addl. A.G. Haryana, with Mr. Saurabh Mago, A.A.G. Haryana, accepts notice on behalf of the respondents-State and prays for time to confirm the said fact.

The competent authority shall also confirm the fact that how many maternal uncles, the niece is stated to have apart from the present petitioner who marriage is slated to take place.

Adjourned to 08.02.2023.”

In pursuance of the same, the affidavit of Deputy Superintendent, District Jail Bhiwani has been filed wherein it has been averred that in view of Section 3(3) of The Haryana Good Conduct Prisoners (Temporary Release) Act 2022, convicted prisoner who has not completed one year of sentence after conviction shall not be eligible for regular parole. Therefore, since the conviction is dated 22.03.2022, the benefit is not liable to be granted. Further it has been averred that neither any application for temporary release on parole has also been filed for the said purpose before the authorities. It has also been verified that the petitioner has another brother and, therefore, there would be sufficient representation as such on behalf of the family to perform the necessary rites.

Keeping in view the statutory bar, we are not inclined to exercise our extra ordinary jurisdiction to grant parole, in the peculiar facts and circumstances.

Accordingly, the petition stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

08.02.2023
sangeeta/shivani