

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-951-2023

Date of decision: 28.03.2023

Bharat Lal

...Petitioner

Versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present : Ms. Manjot Kaur, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

M.S. RAMACHANDRA RAO J. (Oral)

The petitioner was convicted by the Special Judge, Kurukshetra under Sections 21 (c) and 22(c) of the NDPS Act and sentenced to undergo rigorous imprisonment for 15 years with fine of Rs.1,50,000/- vide judgment and order dated 05.11.2018/12.11.2018.

Challenging the same, the petitioner has preferred Criminal Appeal No.2974-DB of 2018, which has been admitted and pending before this Court.

The petitioner is confined in the Central Jail, Ambala and has already undergone imprisonment about 04 years, 05 months and 05 days. He seeks emergency parole on the ground that his wife is suffering from ovarian cancer third stage. Annexures P-4 and P-5 filed by the petitioner in support of the said plea.

Wife of the petitioner has moved an application before the Deputy Superintendent Jail, Amabala, for grant of emergency parole to the petitioner, which has been rejected on 03.01.2023 vide Annexure P-6. The

said rejection was on the ground that the petitioner has not yet completed five years described in Section 6 (3) of the Haryana Good Conduct (Parole Temporary Release) Act 2022.

Learned counsel for the petitioner places reliance on the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, which permits in Section 31-A release temporarily on the ground that a member of the prisoner's family is seriously ill.

In the reply filed by the State, the illness of the wife is not disputed nor is the fact that on previous occasions, the petitioner had been granted emergency parole vide order dated 11.07.2019 in CWP No.16064 of 2019 and order dated 29.10.2019 in CWP No.28968 of 2019 for six weeks.

Having regard to the fact that the wife of the petitioner is seriously ill, we are of the opinion that the petitioner is entitled to the concession of temporary release under the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for a period of four weeks starting from **31.03.2023 to 01.05.2023**. The petitioner shall surrender himself at the Central Jail, Ambala, by **5.00 PM** on **01.05.2023**.

The petition stands disposed of accordingly.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

28.03.2023
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