

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

**CRWP-1210-2023(O&M)
Date of Decision:09.02.2023**

Rajat Kumar

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE SANJIV BERRY**

resent: Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. AG, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

CRM-W-178-2023

Application is allowed as prayed for.

The accompanying copy of order dated 07.02.2023 is taken on record as Annexure P-5.

Application disposed of.

Main case

Instant petition has been filed seeking a mandamus for directing the respondents to release the petitioner on three weeks emergency parole so as to participate in the final rites/ceremonies in relation to his paternal grand mother who expired on 03.02.2023.

Apparently the request of the petitioner stands declined in terms of the order dated 07.02.2023 (Annexure P-5) on the ground that the petitioner in the capacity of a convict falls under the 'hardcore category' in terms of provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 and since he had not completed the mandatory 5 years of his sentence (including 2 years during trial), he is not entitled to such concession.

The reasoning adopted in the order dated 07.02.2023 (Annexure P-5) cannot be stated to be flawed.

Be that as it may, the factum of the demise of paternal grandmother of the petitioner has been verified as per statement made by learned State counsel.

The *Rasam Pagri* ceremony is slated for 12.02.2023 and to be conducted at the Chopal, Village and Post Office Tandwal, Tehsil Barara, District Ambala.

In view of such peculiar facts and circumstances and while not interfering in the impugned order dated 07.02.2023 at Annexure P-5, we direct the Jail Authorities, Central Jail, Ambala to make necessary arrangements to take the petitioner in custody to the venue of the *Rasam Pagri* on 12.02.2023 in the morning hours i.e. at 8.00 a.m. and to be brought back to the jail premises on the same very day by 6.00 p.m.

Petition is disposed of.

A copy of this order be given dasti to learned counsel for the parties under the signatures of the Bench Secretary.

(TEJINDER SINGH DHINDSA)
JUDGE

(SANJIV BERRY)
JUDGE

09.02.2023
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Whether Reasoned/Speaking : Yes/No
Whether Reportable : Yes/No