

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

(251)

CRWP-1761-2023

Decided on : 28.02.2023

Pankaj Kumar

...Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Naveen Thakur, Advocate for the petitioner (s).

Mr.Saurabh Mago, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Reply filed on behalf of the State is taken on record.

Prayer made in the present writ petition is for setting aside the order dated 14.02.2023 passed by the Superintendent of Prison, Karnal whereby he has been granted custody parole to attend the marriage of his brother during his detention in FIR No.165 dated 25.05.2018 under Sections 323, 365 IPC and Sections 6, 17 of POCSO Act.

The reason to deny him parole under the Haryana Good Conduct Prisoner (Temporary Release) Act, 2022 is that he is a hard core prisoner on account of his conviction as noticed above in the FIR.

Parole is a statutory right and is governed by the Act and there is a provision to grant custody parole for attending the marriage of siblings and thus, there is a bar that he cannot be granted parole within the period of 5 years from the period of sentence. In such circumstances, we are of the considered opinion that the benefit of regular parole has rightly been declined while ensuring that he will be granted custody parole.

Accordingly, the present petition is disposed of with a direction to the State to ensure that he is able to attend the marriage under police guard for the ceremony which is to be held.

(G.S. SANDHAWALIA)
JUDGE

28.02.2023
sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No