

Ramesh Kumar ...Petitioner

State of Haryana and others ... Respondents

Learned counsel for the petitioner contends that the petitioner was convicted by the Court of learned Addl. Sessions Judge/learned Special Court, Kaithal and was sentenced to undergo rigorous imprisonment of 10 years and to pay a fine of Rs.1 lac.

The petitioner has preferred an appeal before this Court i.e. CRA-S-771-SB-2000, which was dismissed by this Court on 15.12.2010 and at present, the petitioner is undergoing his sentence in District Jail, Karnal. Learned counsel further contended that he had regularly appeared before the learned trial Court during the course of trial and even after dismissal of his appeal, he was taken in custody. Even prior to the present petition, he was released on parole and furlough on numerous occasions and there was no report of any kind of misconduct on the part of the petitioner either in jail premises or during his stay outside the jail. Even he had surrendered back the jail authorities on due time after the expiry of period of parole/furlough. Learned counsel further submitted that his nephew Deepak Sharma, s/o Balbir Sharma, resident of Taraori, District Karnal had expired on 15.03.2023. Consequently, he has to attend the condolence meeting/Bhog, which is scheduled on 25.03.2023. Learned counsel further contended that in view of the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, he is entitled to parole and may be granted parole for a period of four weeks.

Learned State counsel submits that his nephew Deepak Sharma had passed away on 15.03.2023 and the Bhog Ceremony/Condolence meeting is fixed on 25.03.2023. However, learned State counsel has strongly opposed the grant of parole on the ground that the petitioner is not entitled to emergency parole and the present petition may be dismissed.

I have heard learned counsel for the parties and find no ground to grant parole to the present petitioner.

In fact, as per Section 5 of the Act, the emergency parole can be granted to convicted prisoner only in case of death of member of the convicted prisoner's family. As per Section 2 (h) of the Act, 'member of convicted prisoner's family' means spouse, children, sibling, parent, grand parent and grand children of the convicted prisoner. Here the petitioner is praying for emergency parole to enable him to attend the bhog ceremony/condolence meeting, which is scheduled on 25.03.2023 on account of death of his nephew Deepak Sharma. However, taking a lenient view of the matter and to allow him to maintain family and social ties, the petitioner is allowed to attend the Bhog Ceremony/condolence meeting in custody between 12.30 p.m. to 2.30 p.m. on 25.03.2023.

The Superintendent, District Jail, Karnal shall make necessary arrangements to take the petitioner to attend the Bhog Ceremony/condolence meeting between 12.30 p.m. to 2.30 p.m. on 25.03.2023 in custody itself and after attending the same, he shall be lodged in District Jail, Karnal. The Superintendent, District Jail, Karnal may also seek help from Superintendent of Police, Karnal, in this regard, who shall render necessary assistance/police help to him.

With these observations, the present petition stands disposed of.

A copy of this order be given to the learned State counsel under the Signatures of Bench Secretary of this Court, for compliance.

24.03.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No