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

CRWP-3496-2023

Date of decision:17.04.2023

TARUN

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Sandeep Saini, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner on 14.01.2020/17.01.2020, received a verdict of conviction from the learned Judge Special Court, Sonipat, in respect of a charge drawn for an offence punishable under Sections 302/120 of the IPC, PS Ganaur, District Sonipat, and, further in pursuance thereto, the sentence of rigorous imprisonment of life became imposed upon him. In pursuance thereto, the convict is undergoing the above imposed sentence, in a prison located at Yamuna Nagar.

2. The aggrieved-convict has thereagainst preferred Criminal Appeal i.e. CRA-D-193-2020 before this Court.

3. Be that as it may, in terms of Sections 3(1)(c) and (d) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as “the Act”) he made an application before the Competent Authority, hence seeking the granting of parole but extending upto a term of 10 weeks. The

said claim of the applicant became accepted. However, the Competent Authority in terms of Section 11(2)(a) of The Haryana Good Conduct Prisoner (Temporary Release) Rules, 2007 imposed upon the petitioner, the imperative condition of his furnishing two sureties comprised in a sum of Rs.2 lacs each, to the satisfaction of the District Magistrate, Sonipat.

4. Though, the imposition of the above precondition, upon the petitioner, is in terms of the relevant Rules, but the petitioner, avers, in the instant petition, that the said condition is working hardship to him, inasmuch as, his not being in a position to procure the sureties. Therefore, ultimately for the inability of the petitioner to collect the sureties, as stated in the order concerned, thus the parole order rather releasing him on parole for a period extending upto 10 weeks, rather would become completely frustrated, besides would completely disable him, to enjoy the period of parole, which has been granted to him on an evident emergent circumstance. Resultantly, though the said condition, is in terms of the relevant rules (*supra*), but yet for ensuring that the purpose of the parole, as became granted to the petitioner herein, is not defeated, rather this Court deems it fit and appropriate, to modify the said condition, and, to also modify the said order, as made by the Competent Authority, to a condition, that he shall furnish a FD bond in a sum of Rs.2 lacs, before the Competent Authority. On the petitioner furnishing a FD in the above sum, before the Competent Authority, thereupon the Competent Authority, shall make an order, upon, the Superintendent of Jail concerned, where the petitioner is extantly lodged, to release the petitioner on parole, for a period extending to 10 weeks but commencing from the date of the petitioner stepping outside the prison.

5. It is further clarified that in case the petitioner does not, on the expiry of 10 weeks re-step into the prison concerned, thereupon the

jurisdictional SHO concerned, shall be at liberty to forthwith cause his arrest, and, to produce him before the jurisdictional Magistrate so as to enable the latter to make an order for his being put to judicial custody in the prison concerned.

6. It is stated at the bar the learned State counsel, that the term of the release warrants has already expired, but for ensuring that the petitioner, is released, on parole for the term of 10 weeks, this Court deems it fit, and, appropriate to extend the term of the release warrants, to a period of one week hereafter.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

17.04.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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