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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : June 08, 2023

AJAY KUMAR

-Petitioner

V/S

STATE OF HARYANA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Randeep S. Dhull, Advocate
for the petitioner.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant criminal writ petition, as filed under Article 226/227 of the Constitution of India read with Sections 3 and 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, the petitioner has sought issuance of directions to the respondent(s) concerned, to extend his parole for 08 weeks, on the ground that besides him, there is no one else in his family to look after his ailing mother, who is suffering from severe depressive disorder.
2. Through a verdict of conviction and order of sentence dated 20.01.2015, the petitioner has been convicted and sentenced in the following manner, by the court of learned Additional Sessions Judge, Kurukshetra, in case FIR No. 224 dated 17.10.2011, under Sections 148, 149, 302, 307, 216, 120-B of IPC and Section 25 of Arms Act, 1959, registered at P.S. Kurukshetra University, District Kurukshetra:-

Offence	Sentence
148 of IPC	R.I. for 2 years and fine of Rs.1,000/-. In default of payment of fine, to further undergo simple imprisonment for 15 days.

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302 read with Section 149 of IPC	Life imprisonment and fine of Rs.40,000/-. In default of payment of fine, to further undergo simple imprisonment for 6 months.
307 read with Section 149 of IPC	R.I. for 5 years and fine of Rs.10,000/-. In default of payment of fine, to further undergo simple imprisonment for 2 months.
120-B of IPC	Life imprisonment and fine of Rs.10,000/-. In default of payment of fine, to further undergo simple imprisonment for 2 months.
25 of Arms Act	R.I. for 2 years and fine of Rs.3,000/-. In default of payment of fine, to further undergo simple imprisonment for 1 month.

3. The petitioner is currently availing the concession of temporary release on parole, as granted by the authority(ies) concerned, and, he is due to surrender on 09.06.2023. Therefore, by citing the ill health of his mother and the constant care required by her, the petitioner made an application dated 05.06.2023, to the respondent No.4. However, no action has yet been taken on the said application.

4. The learned counsel for the petitioner states that the mother of petitioner is suffering from serious illness and psychotic disorders, due to which she has been under constant treatment for past some time. She needs assistance of some member of her family to take care of her, however, besides the petitioner, there is no able member in his family to look after his mother, as the father of the petitioner has already expired.

5. Notice of motion.

6. On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab, accepts notice on behalf of the State.

7. Taking into account the aforesaid facts, the parole of the petitioner is extended only till 16.06.2023. In the meanwhile, the respondent No.4- Superintendent, District Jail, Kurukshetra, is directed to ensure that the application dated 05.06.2023, as made by the petitioner for extension of

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parole, is forwarded to the competent authority for enabling the latter to take a final decision thereon, however, the above exercise shall be completed before 16.06.2023.

8. Disposed of accordingly.
9. A copy of this order be handed over to the learned State counsel for its compliance.

June 08, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No