

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-5974-2023
Date of decision: 16.06.2023

AJAY KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India read with Section 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 for seeking quashing of the speaking order dated 09.06.2023 as well as for extension of emergency parole.

2. It is averred that the petitioner was convicted by Additional District & Sessions Judge, Kurukshetra in case FIR No. 224 dated 17.10.2011 registered under Sections 148, 149, 302, 307, 216 and 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959. The petitioner is thus undergoing his sentence as awarded.

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3. The mother of the petitioner is, however, suffering from severe Depressive Disorder with Psychiatric features for which she was admitted in the Psychiatry Ward on 09.05.2023 and relapses symptoms was noticed by Psychiatry Department on 12.06.2023. As per the report furnished by the learned State Counsel, after obtaining the same from Medical Officer (Psychiatrist), LNJP, Civil Hospital, Kurukshetra, the condition of the mother of the petitioner is critical due to her suicidal tendencies.

4. Counsel for the petitioner contends that as the condition of his mother is critical and he is the only male member has to make adequate arrangements, the concession of emergency parole already granted may be extended.

5. Learned State counsel on the other hand, contends that a maximum parole of 04 weeks on an emergency can be granted and that he has already availed the maximum period of parole that is permissible under the Act. Hence, there is no illegality in the order passed by the authorities below. For want of any provision under the Haryana Good Conduct Prisoner (Temporary Release) Act, 2022, the concession of emergency parole cannot be extended.

6. Responding to the above, counsel for the petitioner refers to the judgment of Division Bench in the matter of *“Sunil versus State of Haryana and others” in CRWP-3497-2023 dated 13.04.2023* wherein it has been noticed that the High Court may, in an appropriate case, extend the emergency parole even beyond the maximum period prescribed under the Act.

7. I have learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

8. As per the report, furnished by the respondent-authorities condition of the mother is critical. The petitioner has prayed for 03 weeks

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extension to make appropriate arrangement for the welfare of his mother and to take care of his mother during his absence.

9. Taking into consideration the facts and circumstances of the case, the condition of his mother, medical report & the petitioner being the only son to take care, the parole already granted to the petitioner is extended for a further period of 03 weeks from today on the same surety bond. The petitioner shall surrender on expiry of the extended period of 03 weeks.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 16, 2023
Vishal Sharma

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