

In the High Court of Punjab and Haryana at Chandigarh

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CRWP-223-2024 (O & M)

Date of Decision: January 15, 2024

JOGINDER @ JOGA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Vijay Pal, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 29.12.2023 (Annexure P-4) whereby his application for grant of emergency parole for a period of 03 weeks has been declined.

2. Learned counsel for the petitioner submits that the petitioner had been convicted for an offence punishable under Section 302 IPC and sentenced to undergo life imprisonment. He has undergone an actual sentence of 05 years. His brother had met with an accident on 25.12.2023 and expired on 12.01.2024. The petitioner had been permitted by the jail authorities to attend the funeral of his brother in custody on 13.01.2024. He further submits that the petitioner may be released on parole for a period of 06 weeks to enable him to meet his grieving family members.

3. Learned State counsel has filed status report of Superintendent of Jail, Central Jail-I, Hisar wherein it is stated that brother of the petitioner had indeed expired and the petitioner was granted custody parole to attend the funeral of his brother on 13.01.2024. He submits that as the petitioner was

found in possession of a mobile phone while he was in custody, he was treated as a hardcore prisoner and would not be entitled to be released on parole.

4. Heard.

5. The petitioner has been convicted under Section 302 IPC and sentenced to undergo life imprisonment. He has undergone an actual sentence of more than 05 years. The brother of the petitioner is stated to have expired on 12.01.2024. The primary ground for which he is being denied parole is that while he was in custody, a mobile phone was recovered from him. It is necessary for the convict to maintain his contact with the society which would facilitate his reformation and turn him into a responsible citizen at the time of his release. His brother has expired and his presence with the grieving family members would be necessary under such circumstances.

6. Consequently, the petition is allowed and the order dated 29.12.2023 (Annexure P-4) is set aside. The petitioner would be released on emergency parole for a period of 03 weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of 03 weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

January 15, 2024
A.Kaundal

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