

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2999-2024
Date of Decision:10.04.2024

Manish ...Petitioner

vs.

State of Haryana and others ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Harlove Singh Rajput, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226/227 of the Constitution of India before this Court with a prayer to direct the respondent No.2 to extend the temporary release of the petitioner on parole for a further period of 3 weeks, as he was granted forlough till 04.04.2024.
2. The present case was taken up this Court on 04.04.2024 and notice was issued to the respondents for 09.04.2024. In the meantime, the petitioner had surrendered before the jail authorities on 04.04.2024.
3. Learned counsel for the petitioner contends that one FIR No. 9/2010 was ordered to be registered against the petitioner at Police Station Chhachhrauli, District Yamuna Nagar and vide the judgment dated 10.02.2014, the petitioner was convicted by the Court of Additional Sessions Judge, Jagadhari. The petitioner filed an appeal i.e.CRA-D-528-DB-2014

before this Court and the said appeal was dismissed by this Court on 10.11.2017. The petitioner had applied for four weeks emergency release and the same was allowed by respondent No.2 vide the warrant of release dated 29.02.2024 for a period of four weeks and the said period was set to expire on 04.04.2024. On 04.04.2024, the petitioner had surrendered as his temporary release had come to an end. Learned counsel further contends that the marriage of daughter and son of the sister of the petitioner is scheduled to be held at Shagun Garden, Near Bapoli Petrol Pump, Panipat Road, Panipat. In fact, the husband of the sister of the petitioner had also expired in the year 2017 and the petitioner, being the real brother, has to make all arrangements including the finances, for the said marriage. He further contends that even the petitioner has to attend various ceremonies in the marriage, being the maternal uncle of Amit and Renu. Thus, the petitioner may be ordered to be released on parole for a period of four weeks.

4. On the other hand learned State counsel submits that the facts have been verified and it has been found that the marriage of Amit and Renu i.e. son and daughter respectively of Smt. Rajesh Devi widow of Sh. Sethpal is scheduled to be held on 18.04.2024 at Shagun Garden, Near Bapoli Petrol Pump, Panipat Road, Panipat. He also submitted that the petitioner is the real brother of the Ms. Rajesh Devi.

5. I have heard the learned counsel for the parties and perused the record.

6. As per the provisions of the Haryana Good Conduct Prisons (Temporary Release) Act 2012, the petitioner is entitled to avail regular parole for 70 days and that too in 02 parts. As per learned counsel for the

petitioner, the petitioner has not availed any parole in this year. He had recently availed the benefit of forlough and surrendered at jail on 04.04.2024 without any complaint. Even otherwise, there is no allegations that the petitioner had not maintained good conduct in the jail. Section 3 of the Act provides for temporary release of convicted prisoners on parole and the same has been reproduced below:-

3. *Temporary release of convicted prisoner on regular parole on certain conditions-*

(1) The Competent Authority shall grant regular parole to a convicted prisoner subject to such conditions and procedure as specified under Sections 11 and 12.

(2) The period for which a convicted prisoner may be released under this Section shall be ten weeks in a calendar year cumulatively and the convicted prisoner may avail it in two parts;

Provided that in case of delivery of a female convicted prisoner, the period of release under this section shall be six months, beginning from one month prior to the expected date of delivery as certified by the Medical Officer of the jail.

(3) Convicted prisoner who has not completed one year of sentence after conviction shall not be eligible for regular parole.

Provided that the restriction shall not be imposed on old aged convicted prisoner of seventy years or above in case of male and sixty five years or above in case of female.

(4) The report of the Deputy Commissioner of Police or the Superintendent of Police, as the case may be and recommendations by the District Magistrate shall be submitted to the competent authority within time limit as specified under this Act, for temporary release of a convicted prisoner on regular parole.

(5) The period of release under this Section shall not count

towards the actual sentence of a prisoner. No ordinary remission shall be granted for this period.

7. The petitioner has prayed for grant of parole on the ground that the marriage of Amit and Renu, nephew and niece respectively of the petitioner is scheduled to be held on 18.04.2024. Even otherwise, in the past also he had availed parole and had surrendered before the jail authorities without any complaints. Even the State counsel has verified the fact that the marriage of Amit and Renu is fixed on 18.04.2024 and the petitioner is real brother of the Smt. Rajesh Devi. Thus, the prayer is accepted and the petitioner is ordered to be released on parole for a period of 14 days, subject to his furnishing personal surety bonds in the sum of Rs. 1,00,000/-, to the satisfaction of the Superintendent of Prisons concerned, where, he is lodged. The petitioner/convict shall be entitled to step out of the prison at 10:00 AM on 12.04.2024 and shall surrender at jail gate at 05:00 PM on 26.04.2024. In case, the petitioner does not surrender on time, he shall be immediately arrested by the SHO, having the jurisdiction over the area and shall be produced before the concerned Area Magistrate, for committing him to prison.

10.04.2024

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(N.S.SHEKHAWAT)
JUDGE

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