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

CRWP-4391-2024 (O&M)
Date of decision: May 16, 2024

Sunil @ Susa

....Petitioner

versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present:- Mr. Rajender Kumar, Advocate for the petitioner.

Mr. Naveen S. Bhardwaj, Additional AG Haryana.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. read with Section 5(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (for short 'the Act of 2022'), for issuance of directions to the respondents to release the petitioner on emergency parole for eight weeks as due to the death of the petitioner's father, he is required to perform the last rites.

2. Learned counsel for the petitioner submits that vide judgment/ order dated 09.01.2019/18.01.2019 passed by learned Additional Sessions Judge, Panipat, the petitioner has been convicted and sentenced for commission of offences punishable under Sections 376-D, 306, 365, 366, 324 and 506 read with Section 120-B IPC. He further submits that the appeal against the aforesaid judgment/order, filed by the petitioner, stands admitted vide order dated

19.03.2019. Learned counsel for the petitioner contends that the petitioner was earlier released on general parole as a matter of right from 04.03.2024 to 14.05.2024 and during the said period, the condition of his father deteriorated and he was hospitalized on 02.05.2024, when he came to know that his father was suffering from Hypoglycemia with Pneumonia with Sepsis with type 2 Respiratory failure.

2.1. Learned counsel for the petitioner submits that earlier the petitioner had approached this Court by way of CRWP-4254-2024 seeking parole to take care of his ailing father and that vide order dated 09.05.2024, the aforesaid petition was dismissed as withdrawn with liberty to the petitioner to first approach the concerned authorities for grant of parole, in accordance with law. He submits that in the interregnum, father of the petitioner expired on 11.05.2024 and thereafter, the petitioner moved an application (Annexure P-2) to respondent No.2, for extension of his parole, along with letter dated 11.05.2024 (Annexure P-3) of the Gram Panchayat, Kablana corroborating the factum of his father's death.

2.2. Learned counsel for the petitioner submits that respondent No.2, vide letter dated 11.05.2024 (Annexure P-4), conveyed to the petitioner regarding rejection of his application seeking extension of period of parole, on the ground that parole period of any convicted person cannot be extended as per Section 11(5) of the Act of 2022 and accordingly, the petitioner was directed to surrender before the jail authorities on 14.05.2024 at 5:00 p.m. Learned counsel submits that petitioner has surrendered before the jail authorities well in time.

3. Vide order dated 15.05.2024, this Court had directed the State to verify the factum of death of petitioner's father.

4. Today on the resumed hearing, learned State counsel appears and does not controvert the aforesaid factual position. He further submits that pursuant to the directions of this Court, the factum of death of the petitioner's father on 11.05.2024 has duly been verified. He has tendered a copy of the verification report dated 15.05.2024, which is taken on record and marked as Annexure 'X'.

5. We have heard learned counsel for the petitioner as well as learned State counsel and have also perused the case file.

6. Concededly, the petitioner was earlier released on general parole as a matter of right from 04.03.2024 to 14.05.2024. The factum of death of petitioner's father has duly been verified by the State. The concerned jail authority has rejected the application of the petitioner regarding extension of his aforesaid parole period on account of death of his father and the petitioner is stated to have surrendered to the jail authorities well in time.

7. In view of the aforesaid, we deem it appropriate to grant the petitioner parole for a period of 02 weeks from the date of his release, to enable him to perform last rites and ceremonies on account of death of his father, as stated above.

8. In the premise, the petitioner is granted parole for two weeks from the date of his release, subject to his furnishing bonds to the satisfaction of the competent authority/Duty Magistrate. The period of two weeks shall be counted from the date of his release. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender

certificate. The State counsel shall file a report apprising this Court about the surrender of the petitioner.

9. With the aforesaid observations/ directions, the instant petition is disposed of.
10. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

May 16, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No