

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

2024:PHHC:100843-DB



(125)

LPA-1842-2024 (O&M)
Date of Decision: 06.08.2024

Ajay Kumar

--Appellant

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.

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

Mr. Saurabh Mago, DAG, Haryana.

G.S. SANDHAWALIA.J (Oral)

1. The challenge in the present appeal is to the order dated 30.07.2024 passed by the learned Single Judge in CRWP-6590-2024. The reason which was stressed for grant of emergency parole, was for the medical exigency of the sister-in-law of the appellant, who is stated to be a widow.

2. We have perused the paper book and the reply which was filed before the learned Single Judge.

3. During the arguments, it is not disputed that appellant was on parole from the month of January to February, 2024. The reply filed by the State would go on to show that for the removal of uterus of the sister-in-law of the appellant surgery is to be conducted and apparently there is no opinion that there is an emergent situation. The surgery to be conducted at this point of time can be planned at a time and the upcoming surgery can be postponed. As per the definition of family, 'a member of a convicted

prisoner, the sister-in-law does not come within the provision of Section

2(h) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022'. Similarly, the definition of emergency parole, as per Section 2(h)(ii) of the Act also provides that the member of the convicted prisoner's family has to be in a serious condition. Thus, for all reasons, the case is not covered for consideration.

4. Under such circumstances, we are of the considered opinion that appellant has just surrendered after availing parole in the month of February, 2024, he can always apply afresh as per his entitlement and the urgency projected does not exist in the present case. Learned Single Judge has also noticed that there is nothing on record to show that there is no other immediate family members of the sister-in-law of the appellant.

5. In view of the above, we do not find it a fit case for grant of parole to the appellant. Accordingly, the present appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

06.08.2024
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(MEENAKSHI I. MEHTA)
JUDGE

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