



Sr. No.105

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

CRWP-8461-2024
Date of decision: 13th September 2024

RAVI SHARMAPetitioner

versus

STATE OF HARYANA AND ORSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sandeep Verma, Advocate
for the petitioner (through VC).

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present Criminal Writ Petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing the respondents to release the petitioner on parole for a period of 12 weeks to enable him to take care of his wife, who is 08 months' pregnant.
2. As per the medical record (Annexure P-1), the wife of the petitioner is 08 months' pregnant and her estimated date of delivery is 25.09.2024.
3. Learned State counsel has filed reply dated 07.09.2024, by way of an affidavit of Mr. Devi Dayal, Superintendent, District Jail, Panipat, on behalf of respondents No.1 to 4, along with documents (Annexures R-1 to R-5), which are taken on record.
4. As per the custody certificate dated 07.09.2024 (Annexure R-1), the petitioner has undergone actual custody period of 01 month and 29 days and during this period, he was granted remission for a period of 02 years, 03 months and 18



days. There is nothing in the custody certificate to suggest that the petitioner did not surrender back on time after availing the said remission.

5. Learned State counsel has opposed the present petition on the ground that the case of the petitioner was immediately considered and only 05 days were found remaining for his parole in the Calendar Year 2024, in terms of the provisions of Section 3 of “The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022”, since, he had already availed parole one for a period of 10 weeks w.e.f. 26.12.2023 to 06.03.2024.

6. As per Para No.7 of ‘On Merits’ of the said reply, it has been submitted that the Police of Police Station, Sector-29, Panipat has verified the fact about the pregnancy of the wife of the petitioner from the residence of the petitioner and it has been informed that the petitioner’s wife is 09 months’ pregnant and her expected date of delivery is 25.09.2024. Copies of the joint statements of the inhabitants and report of the Aadhaar Hospital (Annexures R-4 and R-5) are appended along with the reply.

7. Keeping in view the fact that the petitioner has to take care of his wife in the said medical condition and in view of the provisions of Rule 5 of “The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022”, the petitioner has made out a case for grant of parole.

8. As per the provisions of Rule 5(1) of “The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022”, emergency parole to a convicted prisoner can be granted at any time, irrespective of the period of sentence undergone by him, if a member of the convicted prisoner’s family has died or is in serious condition or the convicted prisoner himself is in serious condition. The said Rule reads as under:-



“xxx xxx xxx xxx

5. (1) *The competent authority shall grant emergency parole to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12. Emergency parole shall be granted to a convicted prisoner any time irrespective of the period of sentence undergone by him if a member of the convicted prisoner’s family has died or is in serious condition or the convicted prisoner himself is in serious condition.*

xxx xxx xxx xxx”

9. In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner is ordered to be released on parole for a period of 03 weeks, as per law. On the expiry of said period i.e. on 03.10.2024 at 10:00 A.M., the petitioner shall surrender before the Jail Authorities.

10. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th September 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No