



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

136

CRWP No.10165 of 2024**Date of decision: 24.10.2024****SURENDER SINGH****.... Petitioner****Versus****STATE OF HARYANA AND OTHERS****.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. H.S. Jaswal, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India with a prayer to grant him parole for 02 weeks for solemnization of marriage of his niece (Bhanji) which is scheduled to be held on 24.10.2024/25.10.2024.

2. Learned counsel for the petitioner contends that the petitioner was convicted under Section 307 read with Section 149 of IPC and sentenced to undergo rigorous imprisonment for 05 years. He also filed an appeal, i.e., CRA-S-1066-2022 which was reserved and dismissed on 19.02.2024 by this Court. It is submitted that the marriage of niece of the petitioner is scheduled to be held on 24/25.10.2024 at Jashan Kitti Hall, Amritsar Road, Moga. Learned counsel further submitted that as per the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act 2022 (hereinafter referred to as 'the Act'), the petitioner is entitled to avail regular parole. Learned counsel has also placed on record marriage card (Annexure P-1) of niece of the petitioner in support of his submissions.



3. Learned State counsel has verified the factum of marriage of niece of the petitioner.

4. I have heard the learned counsel for the parties and perused the case file.

5. It is apt to refer to Section 3 of the Act, which reads as under:-

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.

6. As per Section 3 of the Act, the convicted prisoner is entitled to be released on parole for a period of 10 weeks in a Calendar year cumulatively and the convicted prisoner may avail it in two parts.

7. The petitioner had filed the present petition to attend the marriage ceremony of his niece, which is scheduled to be held on 24/25.10.2024 and the said factum has been verified by the learned State counsel. There is nothing on record to suggest that the petitioner was granted any such benefit of parole in the past and misused the same.

8. Thus, in view of the above discussion, the present petition is allowed and the petitioner is ordered to be released on parole for a period of 10 days subject to his furnishing personal surety bonds in the sum of Rs. 1,00,000/-, to the satisfaction of the Superintendent of Jail concerned, where, he is lodged. The petitioner/convict shall be entitled to step out of the prison from today and shall surrender at jail gate at 05.00 p.m. on 02.11.2024. 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.



CRWP No.10165 of 2024

-4-

A copy of this order be given to the counsel for the petitioner under the signature of the Bench Secretary of this Court.

24.10.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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