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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRWP-10496-2024 (O&M)
Date of decision: 25.11.2024

Dheeraj Grover ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sarthak Jindal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Article 226 of the Constitution of India, the petitioner has made prayer for issuing a writ in the nature of mandamus directing the respondents for granting him parole for a period of two months to look after his ailing brother.
2. Learned counsel for the petitioner has submitted that the petitioner had been convicted for commission of offences punishable under Sections 406 and 409 of IPC and sentenced to undergo rigorous imprisonment for a period of 03 years in case arising out of FIR No. 04 dated 24.01.2013, registered under Sections 406, 409 and 420 of IPC at Police Station Kheri Gandian, District Patiala. He has filed a revision petition before this Court, which is pending adjudication. The petitioner had been released on temporary parole w.e.f. 31.07.2024 to 26.09.2024 in view of the provisions of Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (*for short 'the Act, 1962'*) and after availing the same, he had surrendered

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back before the jail authorities. It is further submitted that the brother of the petitioner is suffering from serious heart related ailments and has undergone a heart surgery on 19.09.2024. He needs to be properly looked after. However, since there is no other member in the family of the petitioner to look after his ailing brother, he may be granted parole for the aforementioned period in order to enable him to look after his brother. The petitioner had filed a criminal writ petition bearing number CRWP-9371-2024 seeking extension of period of parole granted to him but the same was dismissed as withdrawn with liberty to file afresh if need so arises. The petitioner has given several representations to the respondents for grant of parole to him but no action has been taken thereon. The President, Municipal Council, Rajpura has also certified that the brother of the petitioner is heart patient and has undergone a surgery regarding placement of stent. It is, thus, urged that the petition deserves to be allowed.

3. Reply by way of affidavit of Superintendent, Central Jail, Patiala has already been filed, which is available on record. It is submitted therein and learned State counsel has argued that as per provisions of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2018 (*for short 'the Amendment Act, 2018'*), a prisoner can avail 08 weeks' parole in first half of the year and 08 weeks' parole in the second half of the year, i.e. total 16 weeks. The petitioner has already availed 08 weeks' parole for the second half of this year as he was released on parole on 31.07.2024 and he surrendered back on 26.09.2024. Hence, he is not entitled to be released on parole during this year. It is also submitted that the factum of ailment of petitioner's brother has been verified and it has been found that after stent inserting surgery, he

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was discharged from the hospital on 19.07.2024. While submitting that the petitioner is not entitled to the relief sought by him, it is urged that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

5. Admittedly, the petitioner has been convicted and sentenced for a period of 03 years as mentioned above. He has opted for 08 weeks' parole in first half of the year and 08 weeks' parole in the second half of the year. This is also an admitted fact that the petitioner has already availed parole w.e.f. 31.07.2024 to 26.09.2024, i.e. in the second half of this year. Hence, as per provisions of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2018, he is not entitled to benefit of parole till the end of the second half of this year. More so, the petitioner is seeking grant of parole in view of Section 3(1)(a) of the Act, 1962, as per which, a prisoner can be released on parole if a member of his family has died or is seriously ill. The petitioner has taken a ground that his brother has undergone aforesaid surgery and since there is no other member in the family to look after him, his case is covered for grant of parole in view of aforesaid section. However, a perusal of Section 3 of the Amendment Act, 2018, which will apply to the case of the petitioner, reveals that the said provision stands amended and now a prisoner is entitled to get parole only on the death of family member in view of said Section. Apart from this, the brother of the petitioner was admitted in hospital for his aforesaid surgery only for a period of 03 day i.e. from 17.09.2024 to 19.09.2024 and a period of more than 02 months has passed since then. So far, he must have recovered from the said surgery. Hence, the ground taken by the

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petitioner is not sufficient. Keeping in view the aforesaid facts and circumstances, this Court finds no ground to allow the present petition. Hence, the same is dismissed.

25.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No