

**Sr. No.137****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-10891-2024 (O&M)****Date of decision: 14th November 2024****NUREN ALIAS MOHIT****.....Petitioner****versus****STATE OF HARYANA AND ANR****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana, with
Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present Criminal Writ Petition is for grant of parole to the petitioner under Section 3(1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for a period of two weeks on account of marriage of his cousin sister namely Dipika and cousin brother namely Ravi Kumar. The petitioner is a convict and undergoing sentence of 05 years under Sections 363, 366-A IPC and Sections 6, 18 of Protection of Children from Sexual Offences Act, 2012 (conviction under Section 363 IPC and Section 10 of the POCSO Act), in case FIR No.18 dated 22.01.2020, registered at Police Station Rohdai, District Rewari.

2. The factum of marriage of the cousin sister and cousin brother of the petitioner on 13.11.2024 and 17.11.2024 respectively, is confirmed as per the invitation cards (Annexures P-1 and P-2).

3. The request of the petitioner for release on parole has been declined by the Superintendent of Prison, Gurugram, vide order dated



02.11.2024, on the ground that the petitioner is a convict of the offence of aggravated sexual assault with a girl aged 3½ years, as per the judgment of conviction. As such, the petitioner is a “Hardcore Convicted Prisoner”, as per the provisions of Section 2(1)(g)(i)(6) of the “Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as “*the Act of 2022*”). It has been further observed that the petitioner has not completed the requisite term of 05 years, as per the provisions of Section 6(3) of the Act of 2022.

4. Learned State counsel has filed status report dated 12.11.2024, by way of an affidavit of Sh. Pawan Kumar, HPS, Deputy Superintendent of Police, City Rewari, on behalf of respondent-State, wherein, the factum of the marriage of cousin sister and cousin brother of the petitioner has been verified. The status report is taken on record.

4.1 Learned State counsel has confirmed that there is no history of any other case pending against the petitioner.

5. As per the custody certificate of the petitioner dated 27.04.2024, submitted by the learned counsel for the petitioner, the petitioner has never been released on parole.

6. The age of the petitioner is 19 years. The total sentence awarded to him is 05 years.

7. In view of the provisions of sub-Section (3) of Section 6 of the Act of 2022, the minimum period for release of a convict on parole is 05 years. Keeping in view the total sentence awarded to the petitioner, he would never get parole before he would complete his entire sentence.

8. There is a provision under Sub-Rule 4 of Section 6 of the Act of 2022, whereby, parole can be granted to a convict including a “Hardcore



Convicted Prisoner” without taking into consideration the minimum period (05 years) to attend the funeral of his family member or marriage of his children or siblings.

9. Meeting their family members is very essential for the emotional needs of the convicts. Keeping in view the peculiar facts and circumstances of this case, the present petition is allowed. The petitioner is ordered to be released on parole for a period of 05 days, subject to his furnishing requisite bonds to the satisfaction of the trial Court.

10. The period of 05 days shall be counted from the date of release of the petitioner and the date of his surrender is to be indicated by the trial Court.

11. A photocopy of this order be handed over to the learned counsel for the petitioner under the signatures of Bench Secretary of this Court.

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

(HARPREET KAUR JEEWAN)
JUDGE

14th November 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>