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

**CRWP-12320 of 2023
Date of Decision:29.02.2024**

SURESH KUMAR

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Article 226/227 of the Constitution of India, read with Section 482 Cr.P.C and Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as 'the Act', for short) for the release of the petitioner on 10 weeks regular parole in FIR No.992 dated 19.09.2006, under Section 302, 307, 323, 285, 148, 149 IPC & Section 25 of Arms Act, Police Station DLF Gurugram, District Gurugram.

2. In *nutshell*, the facts and circumstances of the case are that the petitioner was convicted in FIR No.992 dated 19.09.2006 (supra) and was sentenced vide order dated 29.03.2010 to undergo rigorous life imprisonment and fine of ₹25,000/- and in default of payment of fine, to undergo rigorous imprisonment for 2 years. The petitioner is also convicted

in FIR No. 76 dated 12.06.2011 under Section 302/120-B of IPC registered at Police Station Chhainsa, Faridabad vide order dated 25.03.2013 to undergo rigorous life imprisonment and fine of ₹5,00,000/- and in default of payment of fine, to undergo 2 years rigorous imprisonment. The petitioner moved an appeal CRA-D-422-2010, titled as '*Suresh Kumar Vs. State of Haryana*' before this Court and vide order dated 28.08.2012 the same was dismissed.

3. The petitioner moved an application for grant of temporary release/parole, however, vide impugned order dated 07.12.2023 (Annexure P-4) respondent No.3 rejected the request, which has been assailed by way of the present petition.

4. It is contended by learned counsel for the petitioner that the marriage of petitioner's daughter is fixed for 04.03.2024 (Annexure P-5 and P-6) and to perform rites and ceremonies of the marriage, petitioner had applied for 10 weeks parole but the same was wrongly rejected by respondent No.3 vide order dated 07.12.2023 (Annexure P-4). After advancing arguments at length, learned counsel for the petitioner submitted that he pressed the present petition only to the limited extent that the petitioner may be granted custody parole only for one day i.e the date of marriage of his daughter to be solemnized on 04.03.2024 from 1:00 PM to 7:00 PM.

5. Learned counsel for the State filed reply dated 16.02.2024 by way of affidavit of Deputy Superintendent District Prison, Gurugram, the same is taken on record. Copy supplied to the counsel opposite. Learned counsel for the State has opposed the parole petition by arguing that the petitioner has already misused the concession of parole earlier granted, and

also considering the fact that the convict falls within the category of hardcore prisoner, as such he is not entitled to concession of parole.

6. Before proceeding further, it is apt to mention here that the relevant provisions of the Act in this regard are contained in Section 6(2) and 6(4) which reads as under:-

“6. xxx xxx xxx

(2) Notwithstanding anything contained in sections 3, 4 and 5, no hardcore convicted prisoner shall be entitled to be released on emergency parole or regular parole or furlough.

xxx xxx xxx

(4) Convicted prisoner including hardcore convicted prisoner may be granted custody parole without taking into account his period of completion of sentence for attending funeral of his family member or marriage of his children or siblings.

xxx xxx xxx”

7. After considering the respective submissions and the specific request of the learned counsel for the petitioner seeking relief in the present petition only to the limited extent, it is observed in the interest of justice and in order to facilitate the participation of the petitioner in the marriage ceremony of his daughter to be held on 04.03.2024 at Baba Saheb Ambedkar Community Centre, Fazilpur, Gurugram, Haryana from 1:00 PM to 7:00 PM, the petitioner is ordered to be taken to the aforesaid place in custody from 1:00 PM to 7:00 PM under appropriate security to be provided by Superintendent of Police, Gurugram, on the request of Superintendent of Jail, District Jail Gurugram at the expense of the petitioner.

8. Petition, accordingly is disposed of.

(SANJIV BERRY)

JUDGE

29.02.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No