



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.1362 of 2025
Date of decision: 1st March, 2025

Raj Kumar @ Bulli

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravinder Phogat, Advocate for the petitioner.

Mr. Arun K. Singla, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioner has approached this Court seeking parole to attend the marriage of his son, scheduled for 02.03.2025. In the alternative, he prays for the grant of interim bail to facilitate his presence at the ceremony.

2. The petitioner was convicted in FIR No.123 dated 24.07.2002 registered under Sections 307, 34 of the IPC at Police Station City Dadri, District Charkhi Dadri. He was initially sentenced by the learned Additional Sessions Judge, Bhiwani to rigorous imprisonment for ten years along with a fine of ₹1.00 lakh as well as the default clause. However, in appeal, this Court vide order dated 28.02.2024 in CRA-S-2473-SB of 2004, modified his sentence to six

years of rigorous imprisonment while maintaining the fine and default stipulation.

3. It is undisputed that the petitioner has undergone approximately 6 months and 15 days of his sentence. His application for special parole was declined by the Jail Superintendent, Bhiwani vide order dated 07.12.2024 (Annexure P-2), on the ground that he has not completed the minimum period of one year in custody, as mandated under Section 3(3) of the Haryana Prison Rules, 2022.

4. Learned counsel for the petitioner contends that the rejection of his parole application is unjustified and unduly harsh, as it deprives him of the opportunity to attend an important family event. He submits that the petitioner is willing to abide by all conditions imposed by the authorities, and in light of the exceptional circumstances of the marriage of his son, parole ought to have been granted.

5. Reply by way of an affidavit of Anil Kumar, Dy. Superintendent, District Jail Bhiwani, has been filed today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to the counsel opposite.

6. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, submits that the petitioner has not completed the mandatory one-year custody period, which is a pre-requisite under the Haryana Prison Rules, 2022. It is further contended that the SLP filed by the petitioner against his conviction is pending before the Hon'ble Supreme Court bearing diary No.23099 of

2024. In these circumstances, it is argued that the petitioner is ineligible for parole and his request has therefore rightly been declined.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. The Haryana Prison Rules, 2022, which govern the grant of parole, explicitly provide under Section 3(3) that a prisoner must have undergone at least one year of actual imprisonment before becoming eligible for consideration. In the present case, it is an admitted position that the petitioner has not completed one year of custody. The statutory eligibility requirement under the Rules is mandatory and leaves no discretion to the authorities or this Court to grant parole in contravention thereof.

9. The contention that the petitioner should be granted parole on humanitarian grounds to attend the wedding of his son, despite his ineligibility under the Rules, cannot be accepted. The statutory framework governing parole must be adhered to strictly, and no exception can be carved out unless expressly provided for within the Rules. If such an exception were to be made, it would set a precedent contrary to the legislative intent behind the minimum custody requirement.

10. As regards the alternative plea for interim bail, it is significant to note that the conviction of the petitioner has already been upheld by this Court, albeit with a modification of sentence. Furthermore, his SLP is pending adjudication before the Hon'ble

Supreme Court. In such circumstances, entertaining the plea of the petitioner for interim bail would not be appropriate, as the matter remains subjudice before the Hon'ble Apex Court.

11. In view of the foregoing discussion, no ground is made out for granting parole or interim bail to the petitioner. Accordingly, the present petition is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

March 1, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No