

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1691-2025

Decided on 27.02.2025

Jai Prakash

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RS Dhull, Advocate for the petitioner

Mr. SS Pannu, Addl. AG Haryana

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India read with Section 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 for issuing a writ of mandamus for directing the respondents to grant emergency parole to the petitioner for a period of four weeks to enable him to be present for the wedding ceremony of his son fixed for 01.03.2025.

(2). Learned counsel for the petitioner has placed on record the marriage card of the son of the petitioner showing that the marriage of his son is scheduled for 01.03.2025 at Faridabad and the his son being the sole child of the petitioner, his presence would be necessary to culminate the functions and make necessary arrangement being of paramount importance being the father.

(3). It is further averred that the father of the petitioner is suffering from cancer and is in a critical condition, although it appears that the petitioner's father had already unfortunately expired on 25.04.2024 pending CRWP-3883-2024. Reliance has been placed on Ram Chander vs. State of Haryana & Ors. (CRWP-11470-2022) decided on 16.05.2023 wherein a

Coordinate Bench of this Court held that in the circumstances which require discretionary concession, the convicts are entitled to avail the said leave of emergency parole.

(4). Reply dated 20.02.2025 has been filed by DSP, District Jail, Faridabad along with custody certificate dated 25.02.2025 which are taken on record. It is averred that the petitioner has also filed CRWP-3883-2024 for grant of six weeks emergency parole on account of death of his father to attend the ritual and this Court directed the petitioner be taken for tehravi ceremony in police custody.

(5). Learned State counsel submits that the petitioner is a hardcore criminal with previous crime history and as of now, he has undergone 20 years 4 months of actual undergone period including custody as undertrial. He further submits that the petitioner has convicted under Section 302 IPC and sentenced to undergo life imprisonment.

(6). Heard learned counsel for the parties.

(7). As can be seen that the petitioner's father had expired on 25.04.2024 and parole on the ground of critical illness of family member is no longer available. The petitioner has also appended marriage card of his son which has already commenced on 25.02.2025 and the marriage is scheduled for 01.03.2025. This fact stands admitted by the respondents in their reply. It is also evident that the petitioner had been on furlough previously on 8 different occasions and has surrendered before the jail authorities after completing the furlough period.

(8). Taking into consideration the totality of the circumstances, this writ petition is allowed and the petitioner is allowed parole w.e.f. 28.02.2025

and is directed to report back to the concerned jail authorities on 04.03.2025 by 5.00 pm, subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned CJM/Illaqa Magistrate.

(9). Ordered accordingly.

27.02.2025

V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No