

2025:PHHC:032108-DB



251

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

CRWP-1996-2025

Date of Decision:- 06.03.2025**Gaurav alias Monu**

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM:- HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Ms.Sweta Beniwal, Advocate
for the petitioner.

Mr.Vikrant Pamboo, Sr. DAG, Haryana

DEEPAK SIBAL, J. (Oral)

1. Through the instant petition, the petitioner seeks his release on emergency parole to take care of his ailing father.
2. Through judgment dated 11.08.2023, the Additional and Sessions Judge, Hisar found the petitioner guilty under Sections 307, 302 IPC read with section 34 IPC as also under Section 25 of the Arms Act, 1959. Accordingly, the petitioner was sentenced to undergo rigorous imprisonment for life along with fine. While the petitioner was undergoing the awarded sentence, he sought and got parole on 23.11.2024. Such parole was to come to an end on 02.02.2025. While the petitioner was on parole, his father, a heart patient, underwent Percutaneous transluminal coronary angioplasty (for short-PTCA) as a result of which stenting was done in his heart. His father was discharged but then readmitted on 28.01.2025 with

Mio-cardiac chest pain and again discharged on 30.01.2025 but with the advice that he was to undergo another PTCA procedure.

3. In the light of afore facts, the petitioner filed a petition before this Court being **Crl.Writ Petition No.1035 of 2025** titled as “Gaurav @ Monu Vs. State of Haryana and another” through which he sought extension of the parole already granted to him. Such petition was withdrawn on 31.01.2025 with liberty to the petitioner to approach the authorities to seek emergency parole.

4. In view of the afore liberty granted to him by this Court on 31.01.2025, the petitioner moved the authorities for the grant of emergency parole which request of his, through order dated 13.02.2025 was denied on the ground that he had already been granted parole on 23.11.2024 for 70 days and that there was no provision to grant extension of such parole. Apart from this, the petitioner was informed that he could be granted parole only after clearance by the police.

5. Since the petitioner’s father was in a serious condition, the petitioner could not wait till the time the police would grant clearance and therefore, he knocked the doors of this Court through filing of the instant petition seeking therein his release on emergency parole to take care of his ailing father.

6. Learned counsel for the parties have been heard.

7. In response to the notice issued by this Court, the State has filed an affidavit dated 05.03.2025 through which it is acknowledged that between 20.01.2025 and 23.01.2025, the petitioner’s father underwent PTCA and

stenting as also that on account of Mio-cardiac chest pain, he was readmitted to the hospital and has been medically advised to undergo another PTCA procedure.

8. The petitioner's latest custody certificate produced by the learned State counsel further reveals that the petitioner is a first time offender who, in pursuance to the judgment of the trial court dated 11.08.2023 has already undergone nearly 04 years of actual custody.

9. Section 5(1) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (for short- the 2022 Act) which is relevant, is reproduced below for reference:-

“5(1) The competent authority shall grant emergency parole to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12. Emergency parole shall be granted to a convicted prisoner any time irrespective of the period of sentence undergone by him if a member of the convicted prisoner's family has died or is in serious condition or the convicted prisoner himself is in a serious condition.”

10. As per the afore reproduced provision contained in the 2022 Act, emergency parole can be granted to a convicted prisoner at any time irrespective of the period of sentence undergone by him if his family member is in serious condition.

11. It remains undisputed that the petitioner's father has a serious heart ailment. Therefore, and for the reason that during the period that the petitioner was earlier released on parole for 02 months and 10 days, he did not misuse such concession as also because he is a first time offender who

has already undergone actual custody of nearly 04 years in the instant case, in terms of Section 5(1) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, we deem it appropriate to grant the petitioner parole for a period of 03 weeks from the date of his release so that he can take care of his ailing father.

12. In the light of the above, the impugned order (Annexure P-6) is set aside and the petitioner is directed to be released on parole for three weeks to take care of his ailing father. However the same shall be subject to his furnishing adequate sureties to the satisfaction of the District Magistrate, Hisar who shall insist on furnishing of at least two heavy local sureties.

13. During the period of parole granted to the petitioner through this order, the Superintendent of Police, Hisar is directed to maintain extra vigil in and around the places where the petitioner as well as the legal heirs of the deceased reside.

14. The petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

06.03.2025
sd

(H.S. GREWAL)
JUDGE