

2025:PHHC:117624



CRWP-9124-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(238) CRWP-9124-2025 (O & M)
Date of decision: 01.09.2025

Ashu Petitioner
V/s
State of Haryana and ors. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI
Present: Mr. Deepak, Advocate, for the petitioner.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present criminal writ petition under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 read with Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1962 is for setting aside the order dated 23.06.2025 (Annexure P-7) passed by respondent No.3 and to release the petitioner on 04 weeks’ emergency parole as his father is suffering from Pneumothorax with hypertension and a surgery has been recommended.

2. The brief facts of the case are that the present FIR No.342 under Section 392, 397 and 34 IPC, Police Station Sector 9A, Gurugram, District Gurugram came to be registered against the petitioner on 24.06.2019 wherein he came to be convicted vide judgment of conviction and order of sentence dated 28.08.2023 as under:-.

Offence U/S	Sentence	Fine	In default of payment of fine
397 & 34 IPC	RI 07 years	Rs.25,000/-	RI 06 months

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3. The appeal (CRA-S-3857-2024) filed against the aforesaid judgment of conviction and order of sentence dated 28.08.2023 stands admitted vide order dated 27.11.2024 (Annexure P-1).

4. The learned counsel for the petitioner contends that as the father of the petitioner requires a surgery and there is no one in the family to look after him, he be granted the concession of 04 weeks' emergency parole.

5. The learned counsel for the State, on the other hand, has filed a reply dated 30.08.2025 which is taken on record. While referring to the said reply, he contends that it has been found that the father of the petitioner would undergo surgery only when his tests and vitals would be normal which is currently not the case. Further, the petitioner is either a convict or an under-trial in 15 other cases. He had earlier filed a petition bearing CRWP No.6873-2025 seeking the similar relief on the ground of the illness of his maternal grand-mother which was withdrawn vide order dated 19.08.2025. He, therefore, contends that the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties.

7. A perusal of the impugned order (Annexure P-7) would reveal that the petitioner is a hard-core prisoner and as per the applicable Act and Rules, he is not entitled to parole or furlough till he has completed 05 years of imprisonment. The reply of the State dated 30.08.2025 would show that the petitioner had initially sought parole on the grounds of illness of his maternal grand-mother which petition was withdrawn by him on 19.08.2025. Thereafter, the instant petition has been filed on the grounds that his father is

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ailing. It has been found that the surgery of the father would only be conducted when his tests and vitals are normal. He is an accused in as many as 15 other cases. Therefore, there is every possibility that he shall either abscond from justice or commit similar offences, in case, he is granted the concession of parole.

8. In view of the above discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

9. The pending application(s), if any, shall stand disposed of accordingly.

September 01, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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