



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

CRWP-11370-2024

Date of Decision:08.01.2025

Narender @ Vicky

...Petitioner

vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Baljeet Nain, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus directing the respondents No.2 to 5 to release the petitioner on parole for a period of six weeks, so as to enable him to make proper arrangements for the operation of his old aged mother, who is suffering from severe stomach pain and is undergoing treatment from PGIMS, Rohtak.

2. Learned counsel for the petitioner contends that the petitioner was convicted in a criminal case bearing FIR No.187, dated 27.07.2024, under Sections 302, 148, 149,499,307 of IPC, registered at Police Station Meham, District Rohtak and was sentenced to undergo life imprisonment. Learned counsel for the petitioner contends that the father of the petitioner has already expired and his mother Smt.Ishwanti, aged about 71 years is living with him. His elder brother Surender lives separately with his family and does not take care of his mother. By referring to the medical record (Annexure P-1) issued by

PGIMS, Rohtak, learned counsel submits that the mother of the petitioner is suffering from severe stomach pain and is undergoing treatment from PGIMS, Rohtak. Even, now the surgery has been advised by the doctors, but there is no one to take care of his mother and to provide her proper medical treatment and care. Learned counsel further submits that the petitioner had moved an application dated 08.11.2024 to the Superintendent District Jail, Rohtak, however, no action has been taken on the said application. Thus, the presence of the petitioner is required at home to make arrangements of funds for proper treatment of his old mother. He further contends that earlier also the petitioner had availed the concession of parole/furlough and had surrendered before the jail authorities in time. Even, no other criminal case is pending against the present petitioner and the petitioner has always maintained good conduct inside and outside the jail. Since, the mother of the petitioner is seriously ill and there is no other family member, the petitioner is entitled to be released on parole, in view of the provisions contained in Section 3 of the Haryana Good Conduct Prisoner's (Temporary Release) Act, 1962 (hereinafter referred to as the "Act")

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was earlier granted 10 weeks regular parole and he could only avail 3/4 weeks furlough in a calendar year as per the Section 4 of the "Act". The petitioner had already availed 10 weeks regular parole with effect from 12.03.2024 to 22.05.2024 in the calendar year i.e. 2024, he was not entitled to be released on any kind of regular parole/furlough in the said year. However, she admits that the elder brother of the petitioner, aged about 50 years is living separately from his mother Smt. Ishwanti. Even, sister of the petitioner namely

Anju, aged about 40 years is happily residing in her matrimonial home and the mother of the petitioner is living in the house of present petitioner only.

4. I have heard learned counsel for the parties and perused the record.

5. Section 3 of the “Act” provides for entitlement of a convict for temporary release and the same has been reproduced below:-

3. Temporary release of prisoners on certain grounds.

(1) The State Government may, in consultation with the District Magistrate or any other officer appointed in this behalf, by notification in the Official Gazette and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2), any prisoner, if the State Government is satisfied that -

(a) a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill; or

(b) the marriage of prisoner himself, his son, daughter, grandson, grand-daughter brother, sister, sister's son or daughter is to be celebrated; or

(c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or his father's undivided land actually in possession of the prisoner, or

(d) it is desirable to do so for any other sufficient cause.

(2) The period for which a prisoner may be released shall be determined by the State Government so as not to exceed -

(a) where the prisoner is to be released on the grounds specified in clause (a) of sub-section (1), three weeks;

(b) where the prisoner is to be released on the ground specified in clause (b) or clause (d) of sub-section (1), four weeks; and

(c) where the prisoner is to be released on the grounds specified in clause (c) of sub-section (1), six weeks:

Provided that the temporary release under clause (c) can be availed more than once during the year, which shall not, however, cumulatively exceed six weeks.

(3) The period of release under this section shall not count towards the total period of sentence of a prisoner.

(4) The State Government may, by notification, authorize any officer to exercise its powers under this Section in respect of all or any other ground specified thereunder”.

6. In the present case, it is the admitted case of the parties that the petitioner has one brother namely Surender and a sister Anju, however, both of them are living separately. Even, as per the admitted stand of the State of Haryana, Smt. Ishwanti, mother of the petitioner is living separately in the house of the present petitioner. Thus, it is apparent that the petitioner is the only family member, who may make arrangements of funds for proper treatment and the medical care of Smt. Ishwanti. Even, as per the report (Annexure R-4), the mother of the petitioner is undergoing treatment from PGIMS, Rohtak. Even otherwise, as per the provisions of the “Act”, a convict can be released temporarily if any family member of the convict is seriously ill. In the present case, it is apparent from the record that the mother of the petitioner seems to be seriously ill and being an old lady requires immediate medical attention in the present case. Even otherwise in the present calendar year i.e 2025, the petitioner has not been released on regular parole/furlough and he is entitled to 10 weeks regular parole.

7. Thus, the petitioner is ordered to be released on parole for a period of 04 weeks to provide proper medical treatment to his ill mother, Smt. Ishwanti. He shall be released on 10.01.2025 at 10:00 AM subject to his

furnishing necessary surety bonds/bail bonds to the satisfaction of the concerned jail Superintendent.

8. The petitioner is directed to surrender at 05:00 PM on 09.02.2025 at the jail gate.

9. The petition stands allowed in the abovesaid terms.

08.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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