

(2006) 12 P&H CK 0088

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 75277-M of 2006

Dharambir Singh

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision: Dec. 11, 2006

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482

Citation: (2007) 2 RCR(Criminal) 125

Hon'ble Judges: Arvind Kumar, J

Bench: Single Bench

Advocate: V.S. Rana, for the Appellant; S.K. Hooda, D.A.G. Haryana, for the Respondent

Final Decision: Allowed

Judgement

Arvind Kumar, J.

The instant petition has been filed u/s 482 of Criminal Procedure Code with a prayer for release of the petitioner on emergency parole for four weeks on account of delivery of his wife which is to take place on 22.12.2006.

2. In the reply filed by the respondents, the stand taken is that the petitioner had already availed parole for four weeks from 5.12.2005 to 3.1.2006 for house repairs and no other parole can be given in this year. Now, his case for furlough has already been initiated and sent to the District Magistrate, Hisar, for his report/recommendation which is still pending. Thus, dismissal of the petition has been sought.

3. I have heard learned counsel for the parties and perused the paper-book.

4. u/s 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for brevity, the Act), temporary release can be ordered for any other sufficient cause. In the instant case, there is an emergency as the petitioner's wife is pregnant and the expected date of delivery is 22.12.2006. It is otherwise evident from the

medical certificate, Annexure P-2. Even the Gram Panchayat, Salemgarh, has also strongly recommended petitioner's release on this account. The Act *ibid* is a piece of beneficial legislation and has been enacted for temporary or emergent release on certain conditions. The plea of the petitioner that there is no other male member in the family to look after his wife has been supported by a certificate issued by the Sarpanch of Gram Panchayat, Salemgarh.

5. In view of the above, this petition is allowed. Two weeks' parole is granted to the petitioner on his furnishing requisite bail bonds and surety bonds to the satisfaction to the District Magistrate, Hisar who shall order the release of the petitioner on accepting the bail and surety bonds. The petitioner shall surrender before the jail authorities after the expiry of the period of parole. He shall not commit any offence during the period of parole and shall avail the parole only for the aforestated purpose.