

(2020) 04 P&H CK 0017

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3017 Of 2020

Natwar Lal Das @ Laxman

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 17-04-2020

Acts Referred:

Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 — Section 3(1)(a)
Indian Penal Code, 1860 — Section 120B, 302, 343

Citation : (2020) 04 P&H CK 0017

Hon'ble Judges : Ravi Shanker Jha, CJ;Arun Palli, J

Bench : Division Bench

Advocate : Prateek Rathee

Final Decision : Dismissed

Judgement

The matter is being taken up and heard on a video call. Mandamus is prayed for commanding the Superintendent, Central Jail-1, Hisar, Haryana (respondent No.3) to

temporarily release the petitioner on parole, in terms of Section 3(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, (â??the Actâ??, for

short), to attend the last rites of his father.

The petitioner was convicted under Sections 302/343/120-B of the Indian Penal Code by the learned Additional Sessions Judge, Hisar, and is currently undergoing imprisonment for life till natural death. His appeal (CRA-D-1154-2018) against conviction is pending before this Court. For, father of the petitioner, namely Shankar

Das, died on 12.4.2020, his son moved the authority under the Act, seeking temporary release of the convict. Grievance of the petitioner is, for the said application

continuous to remain pending, thus this petition.

Learned counsel for the petitioner, in reference to the provisions of Section 3(1) (a) of the Act, submits that a prisoner has a statutory right of temporary release from

the prison on parole if a member of the prisoner's family has died. Further, he submits that, as the petitioner wishes to attend the Bhog ceremony of his father and

participate in performance of certain rituals, he is entitled to be released on parole.

As opposed to this, Mr. Deepak Sabharwal, learned Additional Advocate General, Haryana, informs us that the application moved on behalf of the petitioner for

parole has been rejected and the order passed by the competent authority in this regard has since been furnished to the counsel for the petitioner. He submits, for

father of the petitioner passed away on 12.4.2020, and last rites of the deceased have already been performed, the petitioner is not entitled to parole. Thus, he asserts

that the petition deserves to be dismissed.

Indisputably, late father of the petitioner has since passed away on 12.4.2020. And, as informed by the learned State counsel, last rites of the deceased have since

been performed. The submission as regards attending the Bhog Ceremony and participating in other rituals cannot be countenanced either. For, it is submitted by the

learned State counsel that upon being specifically enquired, the village Panchayat, WAS-Gogunda, District Udaipur, and/or other concerned authorities denied if any

Bhog Ceremony was being performed or any dates were fixed/finalised by the family in this regard. Even otherwise, the petitioner is a resident of Narsinghpura, Tehsil

Gogunda, District Udaipur (Rajasthan), and is currently lodged in Central Jail-1, Hisar (Haryana). Both the States are under curfew and owing to a pandemic (COVID-

19), the country is under a national lockdown. Thus, in the given circumstances, we are dissuaded to grant the prayer of the petitioner or to order his release from prison on parole.

The petition is accordingly dismissed.