
(2019) 08 SHI CK 0055
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1937 Of 2019

Neelam Kumari	Vs	APPELLANT
State Of Himachal Pradesh & Ors		RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Citation : (2019) 08 SHI CK 0055

Hon'ble Judges : Dharam Chand Chaudhary, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Kiran Dhiman, Narender Guleria

Final Decision : Disposed Off

Judgement

Dharam Chand Chaudhary, J

1. The petitioner herein is the wife of life convict Vikas Deep Kanwar who presently is undergoing the sentence in Model Central Jail, Nahan. She has sought the release of her husband from custody on parole to arrange for the funds required by their daughter to pursue her MBBS course in Odessa National Medical University, Ukraine.

2. In compliance to the orders passed on 21st August, 2019, instructions dated 22nd August 2019 have now been placed on record. Annexed thereto is the report of the District Magistrate, Una Himachal Pradesh. The District Magistrate has got the inquiry conducted about the act, conduct and behaviour of the accused during the period when he was previously on parole. The Pradhan, Gram Panchayat though has reported that the daughter of the convict is pursuing her study in Ukraine and that during her ensuing visit to native place she may be in need of money while leaving for Ukraine.

3. Learned counsel on instructions submits that the family has no source of income to bear the expenditure likely to be incurred upon for the academic sessions 2019-2020 and that the convict who is owner in possession of the land

intend to raise loan so that his daughter who is going back on 31st August 2019 to Ukraine is in a position to pursue her further study.

4. However, the Pradhan has further reported that the local residents have objection to the frequent release of the convict-husband of the petitioner on parole. It has also been pointed out that the husband of the petitioner had been on parole during the period from 1.4.2019 to 28.4.2019 and surrendered only on 30.4.2019. He has now applied for second parole within a period less than one month, whereas as per the standing orders issued by the Jail Department a convict is entitled for the second parole after the gap of six months from his previous period of parole.

5. Taking into consideration the written instructions and also the report submitted by the District Magistrate, the present is not a fit case where convict Vikas Deep Kanwar, the husband of the petitioner, is entitled to be released on second parole. Above all the period for which he has sought himself to be released on parole is already over. However, keeping in view that his daughter is pursuing MBBS course in Ukraine and her career is at stake for want of money, therefore, we deem it appropriate to order to release the convict in custody for some reasonable time so that he is in a position to arrange for the funds required by his daughter to pursue her further studies.

6. This writ petition is, therefore, disposed of with a direction to the Director General of Prisons, Himachal Pradesh to release the convict Vikas Deep Kanwar undergoing sentence in Model Central Jail, Nahan tomorrow on 27.8.2019 at 10:30 A.M. under proper police escort. He shall be taken to his native place Village and Post Office, Pandoga, Tehsil Haroli, District Una in custody. The police escort shall take him in custody to the place(s) i.e. Banks etc. from where he has to raise loan and to be lodged during night in nearby sub jail/district jail, Una. The Police escort shall brought the convict back to Model Central Jail, Nahan on 30th August, 2019 by 5:00 P.M. and hand over his custody there to the Superintendent of Jail for serving out the remaining sentence.

7. Pending application(s), if any, shall also stand disposed of.

8. An authenticated copy of this judgment be supplied to learned Additional Advocate General for compliance.