

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-11411-2025

Reserved on : 03.11.2025

Date of Pronouncement : 12.11.2025

Parveen Gautam

... Petitioner

Versus

State of Haryana through its Secretary Department of Home, Civil Secretariat,  
Haryana Chandigarh and others

.. Respondents

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**  
**HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. R.P. Daaria, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

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**H.S.GREWAL, J.**

1. The petitioner is seeking a writ in the nature of *mandamus* directing the respondents to grant him emergency parole for three months on the ground that his wife is in the family way.

2. Learned counsel for the petitioner submitted that the wife of the petitioner is 08 months' pregnant and her caesarean delivery is scheduled for 10.11.2025. It is also submitted that there is no adult member in the family to look after her and the presence of the petitioner is necessary to attend her. He referred to the medical certificate at Annexure P-1.

3. Learned State counsel, while referring to the short reply filed by way of an affidavit of Superintendent Jail, District Jail, Nuh, submitted that the petitioner, vide the judgment dated 17.07.2025, has been convicted and sentenced to undergo imprisonment for life in case FIR No.141 dated 17.09.2020, registered

under Sections 148/149, 323/149, 325/149, 341/149, 302/149 IPC, at Police Station Rojka Meo, District Nuh. It is stated in the affidavit that as per the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as 'the Act'), the prisoners cannot claim parole as a matter of right, as this is only a concession given to them for their good conduct and on certain conditions provided in the Act. It is further pointed out that, in terms of Section 3(3) of the Act, a convict who has not completed one year of imprisonment after conviction is not eligible for regular parole. Moreover, in terms of Section 5(1) of the Act, the petitioner is not entitled for emergency parole to take care of his pregnant wife. Though the affidavit admits the factum of pregnancy of the petitioner's wife, whose expected date of delivery is stated to be 10.11.2025, but the mother of the petitioner and his two younger brothers reside at the same home. As per the verification report (Annexure R-2), if the petitioner is released on parole, there exists a possibility of disturbance of peace in the village.

4. Having heard learned counsel for the parties and after perusal of the record, this Court finds no ground to entertain this petition on the ground that the petitioner has been awarded imprisonment on 17.07.2025 and in terms of Section 3(3) of the Act, he has not completed one year of sentence after conviction which makes him ineligible for consideration of parole at this stage.

5. Moreover, in terms of Section 5(1) of the Act, the petitioner is not entitled for emergency parole to take care of his pregnant wife. Section 5(1) of the Act is reproduced hereunder:-

*“The competent authority shall grant emergency parole to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12. Emergency parole shall be granted to a convicted prisoner any time irrespective of the period of*

*sentence undergone by him if a member of the convicted prisoner's family has died or is in serious condition or the convicted prisoner himself is in serious condition”*

6. It is also manifest from the affidavit of the Superintendent, District Jail, Nuh that there are other adult family members residing at the home of the petitioner who can take care of his wife. Moreover, the report of the Station House Officer, Rojka Meo, indicates the possibility of disturbance of peace in the village in case the petitioner is released on parole, along with apprehension of his not returning to custody.

7. In view of the above, this Court finds no ground to grant emergency parole to the petitioner. Consequently, the present petition is hereby dismissed.

**(ANOOP CHITKARA)**  
**JUDGE**

**12.11.2025**  
A.Kaundal

**(H.S.GREWAL)**  
**JUDGE**

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