

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRWP-14100-2025 (O&M)

Decided on : 01.01.2026

VIRENDER ALIAS MOLAD

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

PRESENT: Mr. K.D.S. Hooda, Advocate for the petitioner.

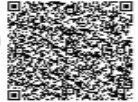
Ms. Jasmine Gill, AAG Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition under Article 226 of the Constitution of India read with Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 for quashing of impugned order dated 23.12.2025 (Annexure P-3) passed by respondent No.4, whereby application for emergency parole on account of the death of wife of the petitioner has been rejected.

2. Upon notice, the State counsel has appeared and has opposed the petition. Both the parties have been heard and material placed on the file has been perused.

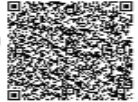
3. The petitioner is seeking emergency parole under Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 on account of death of his wife. His prayer for releasing him on emergency parole has been rejected by the Superintendent, Central Jail, Hisar vide order dated 23.12.2025 (Annexure P-3), on the ground that he is a hardcore



convicted prisoner as he was convicted in case under Section 302 of IPC in FIR No.26 dated 19.01.2006 at Police Station Agroha and was sentenced to undergo imprisonment for life. When he returned to jail after availing parole for 10 weeks on 04.06.2025, 620 tablets of some contraband were recovered and case under Section 22(B)-61-85 of NDPS Act and 42 of Prisons Act, P.S. Civil Lines, Hisar was registered against him. In the said order, it is also mentioned that custody parole can be granted to hardcore prisoner for attending funeral of his family members or marriage of his children as per Section 6(2) Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. Another reason for rejection of the emergency parole is that he has not completed requisite 5 years of his imprisonment after the date of his latest offence under NDPS Act, which was committed on 04.06.2025.

4. Before proceeding further, the relevant provisions of Section 6(3) of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 are reproduced hereunder:-

“(2) Notwithstanding anything contained in sub-section (1), a hardcore convicted prisoner who has not been awarded death penalty or life imprisonment till natural life and has completed five years of his sentence (including maximum two years under trial period) without committing any major jail offence or any cognizable offence during the last five years, shall be entitled for emergency parole or regular parole or furlough at par with convicted prisoners. Such period of five years shall be counted from the date of his latest offence or act which falls under the category of hardcore convicted prisoner.”



5. Perusal of the aforesaid provision, it makes clear that a hardcore prisoner can be released on temporary basis or on furlough after completion of 5 years of imprisonment but he cannot be released on emergency parole in case he has not completed requisite 5 years period of his imprisonment after the date of his latest offence. In the present case, fresh FIR under NDPS Act was registered against the petitioner on 04.06.2025 and as such, he has not completed 5 years of imprisonment after the subsequent offence was committed by him and as such, he cannot be released on emergency parole.

6. However, to enable him to perform the last rites/rituals of his deceased wife, he is allowed to be taken to his place of residence at his own expenses on 3rd January, 2026 and 4th January, 2026 from 10:00 A.M. to 04:00 P.M., while under police escort guard and Superintendent of the concerned jail shall make necessary arrangement in this regard.

7. Accordingly, petition stands disposed of.

8. Pending miscellaneous application(s), if any, also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

01.01.2026

Vishal Vardhan

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No