

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

CRWP-8781-2021

DATE OF DECISION:-20.09.2021

YOGESH @ BITTU AND ANR. ...PETITIONERS...

V.

STATE OF HARYANA AND OTHERS ...RESPONDENTS...

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH  
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. R.S. Dhull, Advocate,  
for the petitioners.

Mr. Vivek Saini, Addl. A.G., Haryana.

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**SANT PARKASH, J.**

*(The aforesaid presence is being recorded through video conferencing  
since the proceedings are being conducted in virtual court)*

Prayer in this petition under Article 226/227 of the Constitution of India read with Section 3 sub sections (1) (a), 6 and 7 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short, "Act") and Rule 6 of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 is for issuance of a writ in the nature of mandamus directing the respondents to extend the time period of temporary release on parole for another four weeks to perform "terahvi" and "chamai" ceremony of father of the petitioners, which is fixed 27.09.2021.

The petitioners were tried in FIR No.83, dated 28.02.2015, under Sections 148, 149, 302, 364, 201, 216 IPC and Section 25 of the Arms Act, Police Station Sadar Bahadurgarh, District Jhajjar, and accordingly, they have been convicted and sentenced to undergo imprisonment for life vide judgment of conviction and order of sentence dated 17.07.2018. Against the judgment of conviction and order of sentence, petitioners filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioners submits that earlier the petitioners were granted emergency parole for one week by the Superintendent District Jail, Jhajjar, District Jhajjar till 15.09.2021, to perform last rites and ritual of their father, who died on 05.09.2021 due to cancer, which is extended upto 21.09.2021 vide order dated 14.09.2021 passed by this Court. Now, "chamai" ceremony of their late father, is fixed for 27.09.2021 and being sons, their presence is very much necessary to perform aforesaid ceremony and to make necessary arrangements.

Learned counsel for the petitioners further submits that an application dated 11.09.2021 (Annexure P-1) alongwith panchayat report (Annexure P-2 copy) seeking extension of parole already granted to the petitioners has already been moved before the Superintendent District Jail, Jhajjar but till date no decision has been taken. He further submits that the petitioners had already availed the concession of parole on several occasions but never misused the same. Thus, he prays for extension of parole to perform aforesaid ceremonies and make arrangements.

Today, learned State counsel has filed short reply by way of affidavit of Jangsher Singh, Deputy Superintendent, District Jail Jhajjar on behalf of respondents No.1 to 4 stating therein as per verification report, "terahvi ceremony of petitioners' father has already been performed on 16.09.2021 and "chamai" ceremony is fixed for 27.09.2021.

Learned State counsel further submits that during special parole granted to the petitioners due to outbreak of Covid-19 as per direction issued by the Hon'ble High Powered Committee, the petitioners were arrested by police in another FIR No.257 dated 13.10.2020, under Section 506, 34 IPC & 25/54/59 of Arms Act, Police Station Sadar Bahadurgarh and lodged in jail on 26.11.2020 and 14.10.2020 respectively. Thus, he prays for dismissal of instant petition.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

Admittedly, the "terahvi" has already been performed and "chhamai" ceremony of father of the petitioners is fixed for 27.09.2021 and the petitioners, being sons, have to make necessary arrangements and perform certain rituals/ceremonies.

In view of the above, the temporary parole already granted to the petitioners by respondent No.4 on 06.09.2021 and extended by this Court vide order dated 14.09.2021, is further extended upto 30.09.2021, enabling them to perform "chamai ceremony, which is fixed for 27.09.2021, on previous bail bonds already furnished.

The petitioners are directed to surrender before the Jail

authorities on 01.10.2021 before 12:00 Noon.

A copy of this order be supplied to learned State counsel and be also sent to respondent No.4-Superintendent District Jail, Jhajjar, District Jhajjar for ensuring requisite compliance.

**(JASWANT SINGH)  
JUDGE**

**(SANT PARKASH)  
JUDGE**

20.09.2021

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**whether speaking/reasoned:**

**Yes/No**

**whether reportable:**

**Yes/No**



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