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- (2) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 395 या धारा 396 या धारा 397 के अधीन डकैती; या
 - (3) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 364—क के अधीन फिरौती के लिए अपरहण; या
 - (4) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 302 के साथ पठित धारा 387 या धारा 307 के साथ पठित धारा 387 के अधीन जबरदस्ती वसूली के लिए हत्या या हत्या करने का प्रयास; या
 - (5) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 376 या धारा 302 के साथ पठित धारा 377 के अधीन बलात्कार या भेदन यौन हमला या गंभीर भेदन यौन हमला या हत्या के साथ अप्राकृतिक अपराध; या
 - (6) सोलह वर्ष से कम आयु के किसी बालक के साथ बलात्कार या भेदन यौन हमला या गंभीर भेदन यौन हमला या अप्राकृतिक अपराध; या
 - (7) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 376—क या धारा 376—ग या धारा 376—घ या धारा 376—ङ के अधीन आने वाला सामूहिक बलात्कार या बलात्कार; या
 - (8) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 302 के अधीन विभिन्न प्रथम सूचना रिपोर्टों (एफ.आई.आरज़) में दो या से अधिक मामलों में सीरियल किलिंग अर्थात् हत्या; या
 - (9) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 302 के अधीन हत्या, यदि मामले के न्यायनिर्णय में वर्णित तथ्यों से स्पष्ट है कि अपराधी संविदा हत्या में शामिल है; या
 - (10) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 458 या धारा 459 या धारा 460 के अधीन छिपकर अनुधिकार गृह प्रवेश तथा सिद्धदोष ठहराना ; या
 - (11) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 121 या धारा 121—क या धारा 122 या धारा 123 या धारा 124 या धारा 124—क के अधीन अपराध; या
 - (12) अवयस्कों को शामिल करते हुए अनैतिक व्यापार (निवारण) अधिनियम, 1956 (1956 का केन्द्रीय अधिनियम 104) की धारा 3, 4 या 5 के अधीन या भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 366—क, 366—ख, 372 या धारा 373 के अधीन अनैतिक व्यापार; या
 - (13) स्वापक औषधि और मनःप्रभावी पदार्थ अधिनियम, 1985 (1985 का केन्द्रीय अधिनियम 61) की धारा 15(ग) या धारा 17(ग) या धारा 18(ख) या धारा 19 या धारा 20(ग) या धारा 21(ग) या धारा 22(ग) या धारा 23(ग) या धारा 24 या धारा 27—क के अधीन अपराध; या
 - (14) भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 224 या धारा 225 के अधीन विधिपूर्ण अभिरक्षा से भागना या भागने में सहायता करना और सिद्धदोष ठहराना;
- (ii) जिसे अपनी दोषसिद्धि से ठीक पूर्व पाँच वर्ष की अवधि के दौरान, उपरोक्त खण्ड (i) के अधीन आने वाले अपराधों के सिवाय, भारतीय दण्ड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) के अध्याय XII या XVII में वर्णित उसी संव्यवहार का भाग रूप नहीं होते हुए विभिन्न अवसरों पर किए गए एक या से अधिक अपराधों के लिए पूर्व में सिद्धदोष ठहराया गया है और दण्डादिष्ट किया गया है और ऐसी दोषसिद्धि के परिणामस्वरूप कम से कम बारह मास की अवधि का कारावास भोग चुका है:

परन्तु यदि दोषसिद्धि, जो अपील या पुनरीक्षण में अपास्त की गई है, तो उसके संबंध में भोगे गए किसी कारावास को उपरोक्त प्रयोजन के लिए गणना में नहीं लिया जाएगा; या

कतिपय शर्तों पर
नियमित पैरोल पर
सिद्धदोष बंदी की
अस्थाई रिहाई।

3. (1) सक्षम प्राधिकारी, धारा 11 तथा 12 के अधीन यथा विनिर्दिष्ट ऐसी शर्तों तथा प्रक्रिया के अधीन किसी सिद्धदोष बंदी को नियमित पैरोल प्रदान करेगा।

(2) ऐसी अवधि, जिसके लिए इस धारा के अधीन किसी सिद्धदोष बंदी को रिहा किया जा सकता है, कैलेंडर वर्ष में कुल मिलाकर दस सप्ताह होगी और सिद्धदोष बंदी इसे दो भागों में प्राप्त कर सकता है:

परन्तु किसी सिद्धदोष महिला बंदी के प्रसव के मामले में, इस धारा के अधीन रिहाई की अवधि छह मास की होगी, जो जेल के चिकित्सा अधिकारी द्वारा यथा प्रमाणित प्रसव की सम्भावित तिथि से एक मास पूर्व शुरू होगी।

(3) सिद्धदोष बंदी, जिसने दोषसिद्धि के बाद एक वर्ष का दण्डादेश पूरा नहीं किया है, नियमित पैरोल का पात्र नहीं होगा:

परन्तु पुरुष के मामले में सत्तर वर्ष या उससे अधिक तथा महिला के मामले में पैंसठ वर्ष या उससे अधिक आयु के सिद्धदोष वृद्ध बंदी पर निर्बन्धन अधिरोपित नहीं होगा।

(4) पुलिस उपायुक्त या पुलिस अधीक्षक, जैसी भी स्थिति हो, की रिपोर्ट और जिला मजिस्ट्रेट की सिफारिशें, सक्षम प्राधिकारी को किसी सिद्धदोष बंदी की नियमित पैरोल पर अस्थाई रिहाई के लिए इस अधिनियम के अधीन यथा विनिर्दिष्ट समय सीमा के भीतर प्रस्तुत की जाएंगी।

(5) इस धारा के अधीन रिहाई की अवधि, किसी बंदी की वास्तविक सजा की ओर नहीं गिनी जाएगी। कोई भी सामान्य माफी इस अवधि के लिए प्रदान नहीं की जाएगी।

कतिपय शर्तों पर
फरलो पर सिद्धदोष
बंदी की अस्थाई
रिहाई।

4. (1) सक्षम प्राधिकारी, धारा 11 तथा 12 के अधीन यथा विनिर्दिष्ट ऐसी शर्तों तथा प्रक्रिया के अधीन किसी सिद्धदोष बंदी को फरलो प्रदान करेगा।

(2) ऐसी अवधि, जिस के लिए इस धारा के अधीन किसी सिद्धदोष बंदी को रिहा किया जा सकता है, तीन सप्ताह होगी तथा इस अवधि को भागों में प्राप्त नहीं किया जाएगा:

परन्तु सिद्धदोष बंदी, जिसने दण्डादेश की अवधि के मामले में कुल दण्डादेश का तीन/चौथाई और आजीवन कारावास के मामले में दस वर्ष की सजा पूरी कर ली है, इस धारा के अधीन रिहाई की अवधि चार सप्ताह होगी और इस अवधि को भागों में प्राप्त नहीं किया जाएगा।

(3) सिद्धदोष बंदी, जिसने दोषसिद्धि के बाद तीन वर्ष की सजा पूरी नहीं की है, फरलो के लिए पात्र नहीं होगा:

परन्तु सिद्धदोष बंदी, जिसे किसी जेल अपराध के लिए या पिछले तीन वर्ष के दौरान अस्थाई रिहाई की शर्तों की उल्लंघना के लिए दण्डित किया गया है, फरलो के लिए पात्र नहीं होगा:

परन्तु यह और कि स्वापक औषधि और मनःप्रभावी पदार्थ अधिनियम, 1985 (1985 का केन्द्रीय अधिनियम 61) के अधीन या राजद्रोह या हत्या के साथ बलात्कार या हत्या के साथ लूट या डकैती या फिरौती वसूलने या जबरदस्ती वसूली के आशय के साथ हत्या या बारह वर्ष से कम आयु के बालक के साथ लैगिंग अपराध के लिए दण्डादिष्ट या प्राकृतिक जीवन तक कारावास के लिए दण्डादिष्ट सिद्धदोष बंदी फरलो के लिए पात्र नहीं होंगे।

(4) पुलिस उपायुक्त या पुलिस अधीक्षक, जैसी भी स्थिति हो, की रिपोर्ट और जिला मजिस्ट्रेट की सिफारिश, सक्षम प्राधिकारी को किसी सिद्धदोष बंदी की फरलो पर अस्थाई रिहाई के लिए इस अधिनियम के अधीन यथा विनिर्दिष्ट समय सीमा के भीतर प्रस्तुत की जाएगी।

(5) धारा 9 की उपधारा (3) के खण्ड (घ) के उपबंधों के अधीन रहते हुए, इस धारा के अधीन रिहाई की अवधि की गणना किसी बंदी द्वारा भोगी जा रही वास्तविक सजा के लिए की जाएगी।

कतिपय शर्तों पर
आपातकालीन
पैरोल पर सिद्धदोष
बंदी की अस्थाई
रिहाई।

5. (1) सक्षम प्राधिकारी, धारा 11 तथा 12 के अधीन यथा विनिर्दिष्ट ऐसी शर्तों तथा प्रक्रिया के अधीन किसी सिद्धदोष बंदी को आपातकालीन पैरोल प्रदान करेगा। यदि किसी सिद्धदोष बंदी के परिवार के किसी सदस्य की मृत्यु हो गई है या गम्भीर अवस्था में है या सिद्धदोष बंदी स्वयं गम्भीर अवस्था में है, तो उसके द्वारा भोगी जा रही सजा की अवधि पर विचार किए बिना किसी सिद्धदोष बंदी को किसी भी समय आपातकालीन पैरोल प्रदान की जाएगी।

(2) सक्षम प्राधिकारी, संबंधित पुलिस थाना के प्रभारी के माध्यम से या जेल अधिकारी, जो सहायक अधीक्षक जेल की पदवी से नीचे का न हो, के माध्यम से तथ्यों का सत्यापन करेगा, जो चौबीस घण्टे के भीतर अपनी रिपोर्ट प्रस्तुत करेगा। सिद्धदोष बंदी या उसके परिवार के सदस्य की गम्भीर अवस्था के तथ्य, सम्बन्धित चिकित्सा अधिकारी द्वारा सत्यापित किए जाएंगे तथा सम्बन्धित सिविल सर्जन द्वारा प्रतिहस्ताक्षरित किए जाएंगे।

(2) यदि कोई सिद्धदोष बंदी उपधारा (1) द्वारा यथा अपेक्षित उस तिथि, जिसको उसने आत्मसमर्पण करना चाहिए, से दस दिन की अवधि के भीतर आत्मसमर्पण नहीं करता है, तो यह अपराध के समतुल्य होगा और किसी पुलिस अधिकारी या जेल अधिकारी द्वारा किसी वारंट के बिना गिरफ्तार किया जाएगा और उस जेल, जिससे वह रिहा हुआ था, के प्रभारी अधिकारी को उसकी सजा के असमाप्त भाग को भोगने के लिए सपुर्द कर दिया जाएगा।

(3) यदि कोई सिद्धदोष बन्दी, उस तिथि, जिसको उसे आत्मसमर्पण करना चाहिए था, से दस दिन की अवधि के भीतर उस जेल अधीक्षक के सम्मुख आत्मसमर्पण कर देता है, जिससे वह रिहा किया गया था, किन्तु अधीक्षक जेल को संतुष्ट नहीं कर पाता कि उस अवधि, जिसके लिए उसे रिहा किया गया था, के समाप्त होने पर, उसे तुरंत आत्मसमर्पण करने के लिए किसी पर्याप्त कारण से रोका गया था, तो अधीक्षक जेल बंदी को सुनवाई का युक्तियुक्त अवसर देने के बाद, निम्नलिखित सभी या कोई भी शास्ति अधिरोपित कर सकता है, अर्थात्:-

- (क) अधिक समय तक ठहरने के प्रत्येक दिन के लिए माफ़ी में अधिकतम पांच दिन की कटौती करना;
- (ख) अधिकतम एक मास की अवधि के लिए कैन्टीन रियायत बन्द करना;
- (ग) अधिकतम तीन मास की अवधि के लिए मुलाकात (इलैक्ट्रानिक मुलाकात सहित) रियायत रोकना;
- (घ) धारा 4 के अधीन बन्दी की फरलो पर अस्थाई रिहाई की अवधि को उसकी सजा में नहीं गिना जाना;
- (ङ) चेतावनी;
- (च) उच्चतर से किसी निम्नतर श्रेणी या ग्रेड में कमी करना।

आत्मसमर्पण करने में असफल रहने पर शास्ति।

10. (1) धारा 9 की उपधारा (2) के अधीन किसी अपराध का सिद्धदोष बन्दी, किसी भी प्रकार के कारावास, जो दो वर्ष से कम नहीं होगा, जो तीन वर्ष तक बढ़ाया जा सकता है और एक लाख रूपए तक के जुर्माने से दण्डनीय होगा।

व्याख्या.- इस धारा के प्रयोजनों के लिए, इस धारा के अधीन दिया गया दण्ड, बन्दी को उस अपराध के लिए दिए गए दण्ड (दण्डों) के अतिरिक्त होगा, जिसके लिए उसे पूर्व में सिद्धदोषी ठहराया गया था तथा ऐसे सभी पूर्व दण्ड (दण्डों) के पूरा होने के बाद शुरू होगा तथा इस अधिनियम के अधीन किए गए अपराध के विचारण के दौरान बिताई गई अवधि, ऐसी अवधि के सिवाय, जो केवल इस अधिनियम के अधीन किए गए अपराध के लिए बन्दी द्वारा व्यतीत की थी, इस अधिनियम के अधीन दिए गए दण्ड के विरुद्ध मुजरा नहीं होगी।

(2) उपधारा (1) के अधीन दण्डनीय अपराध को संज्ञेय और अजमानतीय समझा जाएगा।

(3) जमानत की पूरी राशि, अधीक्षक जेल की सिफारिश पर जिला मजिस्ट्रेट द्वारा जब्त की जाएगी।

(4) ऐसा सिद्धदोष बन्दी, धारा 9 की उपधारा (3) के अधीन यथा विनिर्दिष्ट किसी भी दण्ड के लिए भी दायी होगा।

सामान्य उपबंध।

11. (1) कोई भी सिद्धदोष बन्दी केवल तभी इस अधिनियम के अधीन नियमित पैरोल या फरलो या आपातकालीन पैरोल या अभिरक्षा पैरोल के लिए विचार करने का हकदार होगा, यदि वह उन सभी मामलों में जमानत पर है, जो किसी न्यायालय या सक्षम प्राधिकरण के सम्मुख उसके विरुद्ध लम्बित हैं।

(2) (क) उन सिद्धदोष बंदियों के पैरोल या फरलो के मामले, जिन्हें हरियाणा राज्य से बाहर की अधिकारिता रखने वाले न्यायालयों द्वारा सिद्धदोष ठहराया गया है और जो पारस्परिक आधार पर या अन्यथा से हरियाणा की किसी जेल में कारावास भोग रहे हैं, अधीक्षक जेल द्वारा आरंभ किए जाएंगे तथा उस राज्य के सक्षम प्राधिकारी, जहां से उसे दोषसिद्ध ठहराया गया था, को उस राज्य के पैरोल या फरलो अधिनियम या नियमों के अनुसार विचारण या मंजूरी या निपटान के लिए भेजा जाएगा।

(ख) उन सिद्धदोष बंदियों के पैरोल या फरलो के मामले, जिन्हें हरियाणा राज्य के भीतर अधिकारिता रखने वाले न्यायालयों द्वारा दोषी ठहराया गया है और जो पारस्परिक आधार पर या अन्यथा से अन्य राज्य की जेल में कारावास भोग रहे हैं, सम्बद्ध अधीक्षक जेल द्वारा आरंभ किए जाएंगे और हरियाणा राज्य में उस सक्षम प्राधिकारी, जहां से उसे सिद्धदोष ठहराया गया था, को इस अधिनियम के उपबंधों के अनुसार विचारण/मंजूरी/निपटान के लिए भेजेगा।

(10) सक्षम प्राधिकारी द्वारा नियमित पैरोल या फरलो अस्वीकार करने के मामले में, अस्वीकृति की तिथि से तीन मास की अवधि से पूर्व समरूप प्रयोजन हेतु अन्य आवेदन पर विचार नहीं किया जाएगा।

(11) किसी भी सिद्धदोष बंदी को पैरोल या फरलो पर रिहा करने से पूर्व, सक्षम प्राधिकारी की संतुष्टि के लिए वह कम से कम दो जमानतियों सहित न्यूनतम एक लाख रुपए की राशि, जिसे तीन लाख रुपए तक बढ़ाया जा सकता है, का बंधपत्र निष्पादित करेगा। बंधपत्र में यह शर्त होगी कि सिद्धदोष बंदी या कट्टर सिद्धदोष बंदी, जैसी भी स्थिति हो, पैरोल या फरलो की अवधि समाप्त होने से पूर्व अधीक्षक जेल के सम्मुख आत्मसमर्पण करेगा:

परन्तु कट्टर सिद्धदोष बंदी के मामले में, सक्षम प्राधिकारी की संतुष्टि के लिए कम से कम दो जमानतियों सहित न्यूनतम दो लाख रुपए की राशि, जिसे पाँच लाख रुपए तक बढ़ाया जा सकता है, का बंधपत्र निष्पादित करेगा :

परन्तु यह और कि उन सिद्धदोष बंदियों तथा कट्टर सिद्धदोष बंदियों, जिन्होंने दो नियमित पैरोल या एक फरलो शांतिपूर्वक प्राप्त की है, के लिए जमानत राशि क्रमशः एक लाख रुपए तथा तीन लाख रुपए से अधिक नहीं होगी :

परन्तु यह और कि सक्षम प्राधिकारी लिखित में कारणों को लिपिबद्ध करते हुए अधिकतम पांच की सीमा तक दो से अधिक जमानतियों की मांग कर सकता है।

(12) सक्षम प्राधिकारी, उपधारा (11) के अधीन बंधपत्र को स्वीकार करते समय ऐसी शर्तें अधिरोपित कर सकता है, जैसा वह उचित समझे। जमानतियों की उपयुक्तता तथा पर्याप्तता सक्षम प्राधिकारी द्वारा अवधारित की जाएगी।

पैरोल या फरलो के लिए प्रक्रिया।

12. (1) पैरोल या फरलो प्रदान करने हेतु आवेदन, सिद्धदोष बंदी द्वारा स्वयं या उसके परिवार के वयस्क सदस्य द्वारा अधीक्षक जेल के सम्मुख प्ररूप क में प्रस्तुत किया जा सकता है।

(2) अभिरक्षा पैरोल या आपातकालीन पैरोल के सम्बन्ध में किसी सिद्धदोष बंदी से आवेदन की प्राप्ति पर, अधीक्षक जेल, जिला मजिस्ट्रेट या पुलिस उपायुक्त या पुलिस अधीक्षक को सूचित करते हुए अभिरक्षा पैरोल या आपातकालीन पैरोल, जैसी भी स्थिति हो, के तथ्यों का सत्यापन करने के लिए जेल अधिकारी, जो सहायक अधीक्षक की पदवी से नीचे का न हो, को नियुक्त करते हुए सम्बन्धित पुलिस थाना के प्रभारी को तुरंत अनुरोध भेजेगा तथा स्वयं को संतुष्ट करेगा कि आवेदन में दिए गए तथ्य वास्तविक हैं और इस अधिनियम के उपबंधों के अनुसार हैं।

(3) नियमित पैरोल या फरलो के लिए किसी सिद्धदोष बंदी से आवेदन की प्राप्ति पर, अधीक्षक जेल, नियमित पैरोल या फरलो प्रदान करने के लिए पात्र सिद्धदोष बंदी का मामला पुलिस उपायुक्त या पुलिस अधीक्षक, संबंधित पुलिस थाने के प्रभारी को एक प्रति प्रेषित करते हुए जिला मजिस्ट्रेट तथा सक्षम प्राधिकारी को भेजेगा। यदि, सिद्धदोष बंदी नियमित पैरोल या फरलो के लिए पात्र नहीं पाया जाता है, तो अधीक्षक जेल स्पीकिंग ऑर्डर पारित करेगा।

(4) पुलिस उपायुक्त या पुलिस अधीक्षक विनिर्दिष्ट समय सीमा के भीतर अपनी रिपोर्ट जिला मजिस्ट्रेट को प्रस्तुत करेगा।

(5) उन सिद्धदोष बंदियों के मामले में, जिन्होंने शांतिपूर्वक दो नियमित पैरोल या एक फरलो प्राप्त की है, एक कैलेंडर वर्ष में केवल एक ही पुलिस सत्यापन आवश्यक होगा। तथापि, सक्षम प्राधिकारी अपने विवेक से नई रिपोर्ट की मांग कर सकता है।

(6) जिला मजिस्ट्रेट, उपधारा (11) में यथा विनिर्दिष्ट समय सीमा के भीतर सक्षम प्राधिकारी को अपनी सिफारिश या गैर-सिफारिश प्रस्तुत करेगा।

(7) सक्षम प्राधिकारी, सम्बन्धित क्वार्टर से सिफारिश या रिपोर्ट प्राप्त होने के बाद, निर्णय लेगा तथा प्ररूप ख के अनुसार नियमित पैरोल या फरलो रिहाई वारंट जारी करेगा तथा नियमित पैरोल या फरलो को अस्वीकार करने की दशा में, स्पीकिंग ऑर्डर पारित किया जाएगा। स्वीकृति या अस्वीकृति, जैसी भी स्थिति हो, संबंधित जिला मजिस्ट्रेट तथा अधीक्षक जेल को भेजी जाएगी और इसकी एक प्रति पुलिस उपायुक्त या पुलिस अधीक्षक तथा संबंधित सिद्धदोष बंदी को भी भेजी जाएगी।

(8) सक्षम प्राधिकारी से पैरोल या फरलो रिहाई वारंट की प्राप्ति पर, अधीक्षक जेल, संबंधित बंदी तथा बंदी के परिवार के ऐसे सदस्य, जिसे बंदी रिहाई प्राप्त करने के लिए क्रमशः प्ररूप ग तथा घ के अनुसार व्यक्तिगत बंधपत्र और जमानत बंधपत्र के निष्पादन की व्यवस्था करने के लिए उस निमित्त निर्दिष्ट करे, को सूचित करेगा:

प्ररूप क

[दखिए नियम 12 (1)]

(पैरोल/फरलो के लिए सिद्धदोष बंदी या उसके परिवार के किसी वयस्क सदस्य द्वारा भरा जाने वाला आवेदन-पत्र)

1. बन्दी की संख्या तथा नाम :
2. पिता का नाम :
3. जाति :
4. पूर्ण निवास पता :
5. रिहाई के लिए कारण: आपातकालीन पैरोल/नियमित पैरोल/फरलो/अभिरक्षा पैरोल :

(आवेदक के हस्ताक्षर या अंगूठे का निशान)

पात्र सिद्धदोष बन्दी द्वारा घोषणा

मैं, इसके द्वारा, घोषित करता हूँ कि मैं, हरियाणा सदाचारी बन्दी (अस्थायी रिहाई) अधिनियम, 2022 की धारा 3 या 4 या 5 या 6 के अधीन अस्थायी रूप से (आपातकालीन पैरोल/नियमित पैरोल/फरलो/अभिरक्षा फरलो) रिहा होने के लिए अनुरोध करता हूँ तथा इस प्रकार रिहा हो जाने पर, अपनी रिहाई शर्तों का निष्ठापूर्वक पालन करूंगा।

(आवेदक के हस्ताक्षर या अंगूठे का निशान)

(अधीक्षक जेल द्वारा भरा जाना)

आकस्मिक/कट्टर

1. बन्दी की संख्या, नाम तथा आयु :
2. प्रथम सूचना रिपोर्ट के ब्यौरे :
3. जुर्माने सहित दोषसिद्धि के पूर्ण ब्यौरे :
4. आवेदन पत्र की तिथि तक जेल में व्यतीत की गई वास्तविक अवधि के ब्यौरे

वर्ष	मास	दिन
() से () तक		
5. प्राप्त माफी :

वर्ष	मास	दिन
------	-----	-----
6. असमाप्त दण्डादेश :

वर्ष	मास	दिन
------	-----	-----
7. अन्य दोषसिद्धि मामलों के ब्यौरे, यदि कोई हो :
8. लम्बित मामलों के ब्यौरे, यदि कोई हो :
9. बन्दी की शारीरिक तथा मानसिक स्थिति :
10. जेल में आचरण
(संलग्न किए जाने वाले अपराधों के ब्यौरे, यदि कोई हो) :
11. (i) तिथि, जिसको अन्तिम अस्थायी रिहाई दी गई थी :
(ii) तिथि, जिसको अन्तिम अस्थायी रिहाई अस्वीकृत की गई थी :
12. क्या बन्दी अधिनियम के उपबन्धों के अनुसार रिहाई के लिए पात्र है ?
13. जेल अधीक्षक की सिफारिशें :
14. कोई अतिरिक्त कथन :
प्रविष्टियों की वारंट के साथ
जांच की गई

दिनांक.....

अधीक्षक जेल
— जेल—।

3. पुलिस अधीक्षक, _____ को अस्थाई रिहाई के दौरान उक्त बंदी की गतिविधियों पर कड़ी नजर रखने के निर्देश सहित प्रेषित की जाती है।

रिहाई प्राधिकारी के हस्ताक्षर

मैं, _____ पुत्र _____ इसके द्वारा, उक्त वारंट को प्राप्त करने की पावती देता हूँ और रिहाई के उक्त वारंट में विनिर्दिष्ट शर्तों को मैंने समझ लिया है और मैं उन्हें स्वीकार करता हूँ।

बन्दी के हस्ताक्षर तथा अगूँठे का निशान।

प्ररूप घ

[देखिए नियम 12 (8)]

प्रतिभूति बंधपत्र

जिला मजिस्ट्रेट _____ के न्यायालय में,

यह बन्धपत्र दिनांक _____ को _____ (प्रथम जमानती) तथा _____ (द्वितीय जमानती) (जिन्हें, इसमें, इसके बाद, सामूहिक रूप से "जमानतियों" के रूप में निर्दिष्ट किया गया है) द्वारा किया गया है (रिहाई प्राधिकारी द्वारा नियत जमानतियों की संख्या) ;

चूंकि, रिहाई प्राधिकारी, उन शर्तों की अनुपालना, जिन पर बन्दी को अस्थाई रूप से रिहा किया गया है, की अनुपालना करने के लिए _____ रुपये की धनराशि के प्रत्येक बन्धपत्र के साथ-साथ प्रतिभूति बंधपत्र प्रस्तुत करते हुए बन्दी की शर्तों पर हरियाणा सदाचारी बन्दी (अस्थाई रिहाई) अधिनियम, 2022 की धारा 3 या 4 या 5 के अधीन _____ (बन्दी की संख्या, नाम, पिता का नाम तथा पता) (जिसे, इसमें, इसके बाद "बन्दी" के रूप में निर्दिष्ट किया गया है) को _____ की अवधि के लिए आपातकालीन पैरोल/नियमित पैरोल/फरलो पर रिहा करने के आदेश करने की कृपा करें;

और, चूंकि बन्दी ने दिनांक _____ (बन्दी के व्यक्तिगत बंधपत्र के निष्पादन की तिथि) को इसमें विनिर्दिष्ट शर्तों की अनुपालना करने के लिए _____ रुपये की धनराशि का व्यक्तिगत बंधपत्र का निष्पादन किया है।

इसलिए, अब, जमानती संयुक्त रूप से या पृथक रूप से, इसके द्वारा, _____ रुपये की धनराशि राज्य सरकार को जब्त करने के लिए स्वयं को बाध्य करते हैं, यदि बन्दी अस्थाई रिहाई के लिए बंधपत्र में विनिर्दिष्ट किसी भी शर्त की अनुपालना करने में चूक करता है।

प्रथम जमानती के हस्ताक्षर

द्वितीय जमानती के हस्ताक्षर

रिहाई प्राधिकारी के निमित्त और उसकी ओर से स्वीकृत।

क्रमांक

दिनांक

इसकी एक प्रति निम्नलिखित को सूचनार्थ तथा आवश्यक आगामी कार्यवाही हेतु प्रेषित की जाती है:-

1. मण्डल आयुक्त, _____ मण्डल _____ के संदर्भ में (रिहाई वारंट)
2. जिला मजिस्ट्रेट, _____ के संदर्भ में (जमानतियों की स्वीकृति के बारे में आदेश) (बंदी के व्यक्तिगत बंधपत्र तथा प्रतिभूति बंधपत्र साथ संलग्न हैं।)
3. पुलिस अधीक्षक, _____ को अस्थाई रिहाई की अवधि के दौरान उक्त बंदी की गतिविधियों पर कड़ी नजर रखने के लिए सम्बन्धित थानागृह अधिकारी को अनुरोध सहित।
4. थाना गृह अधिकारी, पुलिस थाना _____, जिला _____ अस्थाई रिहाई की अवधि के दौरान उक्त बंदी की गतिविधियों पर कड़ी नजर रखेगा तथा अधिनियम की धारा 12 की उपधारा (10) के अनुसार रिपोर्ट प्रस्तुत करेगा।

जेल अधीक्षक

— जेल —।

बिमलेश तंवर,
सचिव, हरियाणा सरकार,
विधि तथा विधायी विभाग।

PART - I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 11th April, 2022

No. Leg. 15/2022.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 31st March, 2022 and is hereby published for general information:—

HARYANA ACT NO. 15 OF 2022

**THE HARYANA GOOD CONDUCT PRISONERS (TEMPORARY RELEASE)
ACT, 2022**

AN

ACT

to provide for the temporary release of prisoners for good conduct on certain conditions.

Be it enacted by the Legislature of the State of Haryana in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022.

Short title, extent
application and
commencement.

(2) It extends to the whole of the State of Haryana.

(3) It shall be applicable to all such convicted prisoners who have been confined by the orders of Courts having jurisdiction in Haryana.

(4) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) “competent authority” means the competent authority as notified by the State Government for the purposes of this Act;

(b) “convicted prisoner” means a person confined in a jail or other institution of like nature under a sentence of imprisonment for life or imprisonment by any Court in India or the Court-martial or any other authority exercising the powers of a Criminal Court;

(c) “Deputy Commissioner of Police” means the Deputy Commissioner of Police of the district within whose jurisdiction the convicted prisoner after his temporary release under this Act is likely to reside during the period of his temporary release;

(d) “District Magistrate” means the District Magistrate of the district within whose jurisdiction the convicted prisoner after his temporary release under this Act is likely to reside during the period of his temporary release;

(e) “Form” means form appended to this Act;

(f) “furlough” means temporary release from custody of a convicted prisoner as an incentive on account of his good behaviour and conduct over a period of time as specified under this Act. The period of furlough may count towards the awarded sentence subject to the conditions as specified in this Act or rules made thereunder;

(g) “hardcore convicted prisoner” means any prisoner—

(i) who has been convicted for any of the following offences:—

(1) robbery under section 392 or section 394 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

(2) dacoity under section 395 or section 396 or section 397 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

- (3) kidnapping for ransom under section 364-A of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (4) murder or attempt to murder for extortion under section 387 read with section 302 or section 387 read with section 307 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (5) rape or penetrative sexual assault or aggravated penetrative sexual assault or unnatural offence with murder under section 376 or section 377 read with section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (6) rape or penetrative sexual assault or aggravated penetrative sexual assault or unnatural offence with a child below sixteen years of age; or
 - (7) gang rape or rape as covered under section 376-A or section 376-C or section 376-D or section 376-E of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (8) serial killing i.e. murder under section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860) in two or more cases in different First Information Reports (FIRs); or
 - (9) murder under section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860), if the offender is involved in contract killing as apparent from the facts mentioned in the judgment of the case; or
 - (10) lurking house trespass and convicted under section 458 or section 459 or section 460 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (11) offence under section 121 or section 121-A or section 122 or section 123 or section 124 or section 124-A of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (12) immoral trafficking under sections 3, 4 or 5 of the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956) involving minors or under sections 366-A, 366-B, 372 or section 373 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
 - (13) offence under section 15(c) or section 17(c) or section 18(b) or section 19 or section 20(c) or section 21(c) or section 22(c) or section 23(c) or section 24 or section 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985); or
 - (14) escaping or helping to escape from lawful custody and convicted under section 224 or section 225 of the Indian Penal Code, 1860 (Central Act 45 of 1860);
- (ii) who during a period of five years immediately before his conviction has earlier been convicted and sentenced for commission of one or more offences mentioned in Chapter XII or XVII of the Indian Penal Code, 1860 (Central Act 45 of 1860), except the offences covered under clause (i) above, committed on different occasions not constituting part of the same transaction and as a result of such conviction has undergone imprisonment at least for a period of twelve months:
- Provided that if a conviction which has been set-aside in appeal or revision then any imprisonment undergone in connection therewith shall not be taken into account for the above purpose; or
- (iii) who has been sentenced to death penalty or imprisonment till natural life; or
 - (iv) who has been found in possession or detected of using wireless communication device or its components or any unauthorised electronic device inside the jail premises; or

- (v) who fails or failed to surrender himself within a period of ten days from the date on which he should have so surrendered on the expiry of the period of parole or furlough for which he was released; or
- (vi) who commits a cognizable offence punishable with imprisonment for a period of seven years or above during confinement in the jail or during his temporary release under this Act; or
- (vii) who has been punished more than two times with a major punishment by the Superintendent Jail concerned for committing any jail offence or convicted in judicial proceedings by the concerned Court; or
- (viii) who has been detained or convicted under the National Security Act, 1980 (Central Act 65 of 1980), the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Central Act 28 of 1987), the Official Secrets Act, 1923 (Central Act 19 of 1923), the Foreigners Act, 1946 (Central Act 31 of 1946) or any Act (Central or State) for control of organised crime;
- (h) "member of convicted prisoner's family" means the spouse, children, sibling, parent, grand parent and grand children of convicted prisoner;
- (i) "parole" means temporary release of a convicted prisoner from custody and is categorized as under:-
 - (i) 'custody parole' means escorting of a convicted prisoner under armed police custody to the place of visit (within the territory of Republic of India) and return therefrom for a specific period and for specific reasons as provided under this Act;
 - (ii) 'emergency parole' means parole granted to a convicted prisoner by the Superintendent Jail when a member of the convicted prisoner's family has died or is in serious condition or the convicted prisoner himself is in serious condition under section 5;
 - (iii) 'regular parole' means parole granted to a convicted prisoner by the competent authority under section 3;
- (j) "Superintendent of Police" means the Superintendent of Police of the district within whose jurisdiction the convicted prisoner after his temporary release under this Act is likely to reside during the period of his temporary release;
- (k) "sentence" means sentence of imprisonment finally delivered in appeal or revision or otherwise and includes an aggregate of one or more sentence;
- (l) "Superintendent Jail" means the officer-in-charge of jail or other institution of like nature in which the convicted prisoner is confined;
- (m) "State Government" means the Government of the State of Haryana in the administrative department;
- (n) "temporary release" means temporary release of a convicted prisoner on custody parole or emergency parole or regular parole or furlough.

(2) Words and expressions used herein but not defined shall have the same meaning as assigned to them under the Prisons Act, 1894 (Central Act 9 of 1894), rules made thereunder and as contained in the Punjab Jail Manual.

3. (1) The competent authority shall grant regular parole to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12.

(2) The period for which a convicted prisoner may be released under this section shall be ten weeks in a calendar year cumulatively and the convicted prisoner may avail it in two parts:

Provided that in case of delivery of a female convicted prisoner, the period of release under this section shall be six months, beginning from one month prior to the expected date of delivery as certified by the Medical Officer of the jail.

(3) Convicted prisoner who has not completed one year of sentence after conviction shall not be eligible for regular parole:

Temporary release of convicted prisoner on regular parole on certain conditions.

Provided that the restriction shall not be imposed on old aged convicted prisoner of seventy years or above in case of male and sixty-five years or above in case of female.

(4) The report of the Deputy Commissioner of Police or the Superintendent of Police, as the case may be and recommendations by the District Magistrate shall be submitted to the competent authority within time limit as specified under this Act, for temporary release of a convicted prisoner on regular parole.

(5) The period of release under this section shall not count towards the actual sentence of a prisoner. No ordinary remission shall be granted for this period.

Temporary release of convicted prisoner on furlough on certain conditions.

4. (1) The competent authority shall grant furlough to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12.

(2) The period for which a convicted prisoner may be released under this section shall be three weeks and this period shall not be availed in parts:

Provided that the convicted prisoner who has completed his three-fourth of the total sentence in case of term sentence and ten years in case of life imprisonment, the period of release under this section shall be four weeks and this period shall not be availed in parts.

(3) Convicted prisoner who has not completed three years sentence after conviction shall not be eligible for furlough:

Provided that the convicted prisoner who has been punished for any jail offence or for violation of conditions of temporary release during the last three years shall not be eligible for furlough:

Provided further that the convicted prisoners sentenced under the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985) or sedition or rape with murder or robbery or dacoity with murder or murder with intention of collecting ransom or extortion or sexual offences against a child below twelve years of age or sentenced to undergo imprisonment till natural life shall not be eligible for furlough.

(4) The report of the Deputy Commissioner of Police or the Superintendent of Police, as the case may be and recommendation by the District Magistrate shall be submitted to the competent authority within time limit as specified under this Act, for temporary release of a convicted prisoner on furlough.

(5) Subject to the provisions of clause (d) of sub-section (3) of section 9, the period of release under this section shall count towards the actual sentence undergone by a prisoner.

Temporary release of a convicted prisoner on emergency parole on certain conditions.

5. (1) 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.

(2) The competent authority shall verify the facts through in-charge of the police station concerned or through a jail officer not below the rank of Assistant Superintendent Jail who shall submit his report within twenty-four hours. The facts of the serious condition of the convicted prisoner or his family member shall be certified by the Medical Officer concerned and countersigned by the Civil Surgeon concerned.

(3) The period for which a convicted prisoner may be released under this section shall be decided by the competent authority which shall not exceed four weeks in a calendar year cumulatively and the period may be in parts.

(4) The period of release under this section shall not count towards the actual sentence of a prisoner. No ordinary remission shall be granted for this period.

Temporary release of a convicted prisoner on custody parole and special provisions for hardcore convicted prisoners.

6. (1) The competent authority shall grant custody parole to a convicted prisoner subject to such conditions and procedure as specified under sections 11 and 12.

(2) Notwithstanding anything contained in sections 3, 4 and 5, no hardcore convicted prisoner shall be entitled to be released on emergency parole or regular parole or furlough:

Provided that a hardcore convicted prisoner may be granted custody parole for attending funeral of his family members or marriage of his children or siblings.

(3) 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:

Provided that a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoners only after completion of seven years of imprisonment after conviction:

Provided further that if the hardcore convicted prisoner so released temporarily violates any condition of parole or furlough or commits any cognizable offence, he shall be debarred from such release for next three years.

(4) Convicted prisoner including hardcore convicted prisoner may be granted custody parole without taking into account his period of completion of sentence for attending funeral of his family member or marriage of his children or siblings.

(5) The competent authority shall verify the facts for granting custody parole through in-charge of the police station where the prisoner wants to avail the custody parole or through a jail officer not below the rank of Assistant Superintendent Jail.

(6) Custody parole shall not be granted for more than six hours for one event excluding the journey time and the police escort guard for the custody parole shall be provided by the Superintendent of Police or the Deputy Commissioner of Police of the district within whose jurisdiction the jail is situated. The period of custody parole shall be treated as period spent in jail.

7. For the purpose of calculating the period of temporary release of a prisoner under sections 3, 4 and 5, the dates of departure from and arrival at the jail shall be excluded.

Exclusion of certain days in computing period under sections 3, 4 and 5.

8. Notwithstanding anything contained in this Act, no convicted prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate or the Deputy Commissioner of Police or the Superintendent of Police or otherwise, the State Government or the competent authority is satisfied that his release is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace.

Prisoner not entitled to be released in certain cases.

9. (1) On the expiry of the period for which a convicted prisoner is released under this Act, he shall surrender before 05:00 PM on the day of surrender at jail from which he was temporarily released. Surrender from temporary release in an intoxicating state shall be treated as jail offence.

Liability of convicted prisoner to surrender on expiry of temporary release period and consequences of overstay.

(2) If a convicted prisoner does not surrender himself as required by sub-section (1) within a period of ten days from the date on which he should have surrendered, it shall amount to an offence and he shall be arrested by any Police Officer or Jail Officer without a warrant and shall be handed over to the officer-in-charge of the jail from which he was released to undergo the unexpired portion of his sentence.

(3) If a convicted prisoner surrenders himself before the Superintendent Jail from which he was released within a period of ten days of the date on which he should have surrendered but fails to satisfy the Superintendent Jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, the Superintendent Jail may award to the prisoner all or any of the following penalties after affording the prisoner a reasonable opportunity of being heard, namely:-

- (a) a maximum cut of five days remission for each day of overstay;
- (b) stoppage of canteen concession for a maximum period of one month;
- (c) withholding concession of interviews (including electronic interviews) for a maximum period of three months;
- (d) not to count the period of temporary release on furlough of the prisoner under section 4 towards his sentence;

Penalty for
failure to
surrender.

- (e) warning;
- (f) reduction from higher to a lower class or grade.

10. (1) Any convicted prisoner guilty of an offence under sub-section (2) of section 9 shall be punishable with imprisonment of either description which shall not be less than two years which may extend to three years and with fine upto one lakh rupees.

Explanation.— For the purposes of this section, the punishment awarded under this section shall be in addition to the punishment(s) awarded to the prisoner for the offence for which he was convicted earlier and shall start after execution of all such previous punishment(s) and the period spent during the trial of the offence committed under this Act shall not be set off against the punishment awarded under this Act except for the period which the prisoner spent exclusively for the offence committed under this Act.

(2) An offence punishable under sub-section (1) shall be deemed to be cognizable and non-bailable.

(3) The sureties of full amount shall be forfeited by the District Magistrate on the recommendation of the Superintendent Jail.

(4) Such convicted prisoner shall also be liable for any of the punishment as specified under sub-section (3) of section 9.

General
provisions.

11. (1) A convicted prisoner shall be entitled for consideration for a regular parole or furlough or emergency parole or custody parole under this Act only, if he is on bail in all the cases which are pending against him before any Court or competent authority.

- (2) (a) The parole or furlough cases of convicted prisoners who are convicted by the Courts having jurisdiction outside the State of Haryana and who are undergoing imprisonment in a jail of Haryana on reciprocal basis or otherwise, shall be initiated by the Superintendent Jail and forwarded to the competent authority of that State where from he was convicted, for consideration or sanction or disposal as per the parole or furlough Act or rules of that State.
- (b) The parole or furlough cases of convicted prisoners who are convicted by the Courts having jurisdiction in the State of Haryana and who are undergoing imprisonment in a jail in other States on reciprocal basis or otherwise, shall be initiated by the Superintendent Jail concerned and shall be forwarded to the competent authority in the State of Haryana wherefrom he was convicted, for consideration/sanction/disposal as per the provisions of this Act.
- (c) In case of a convicted prisoner of the State of Haryana who is also a convict of the State(s) other than Haryana and is confined in a jail of Haryana or other State, his parole or furlough case shall be decided by the competent authority of the State where from he has been convicted and sentenced for more serious crime. If, the prisoner is convicted for the same offence in different State(s), his parole or furlough case shall be decided by the competent authority where from he is convicted first. In such cases, the consent or no objection certificate of all other State(s) shall also be obtained:

Provided that if objection is not received within one month, it shall be presumed that the State(s) has no objection for grant of parole or furlough.

- (d) A convicted prisoner who is resident of a State other than Haryana but is a convicted prisoner of the State of Haryana, parole or furlough case of such convicted prisoner shall be initiated by the Superintendent Jail and forwarded for sanction to the competent authority with a copy to the District Magistrate, Deputy Commissioner of Police or Superintendent of Police, where the prisoner wants to avail parole or furlough, for sending his report or recommendation to the competent authority within the specified time limit.
- (e) In case of convicted prisoner who is sentenced by a General Court-martial, the parole or furlough shall be granted by the Army authorities as per the provisions of clause (d) of section 179 of the Army Act, 1950 (Central Act 46 of 1950):

Provided that the custody parole may be granted to such convicted prisoner by the Superintendent Jail.

(3) Any convicted prisoner who has been awarded a minor punishment for any jail offence, shall not be eligible for any kind of parole for six months from the date of such offence; and a convicted prisoner who has been awarded a major punishment for any jail offence or has violated the conditions of temporary release, he shall not be eligible for any kind of parole for one year from the date of such offence:

Provided that such convicted prisoner may be sent on custody parole to attend funeral of his family members.

(4) Subsequent parole or furlough case of a convicted prisoner shall be initiated only after receipt of report of in-charge of police station concerned through the Superintendent of Police or the Deputy Commissioner of Police regarding his conduct during the temporary release or after one month of his surrender in the jail after availing last sanctioned parole or furlough, whichever is earlier:

Provided that the emergency parole shall be granted to the convicted prisoner anytime irrespective of the fact that his other parole or furlough case is still under consideration.

(5) No parole or furlough shall be extended in any case.

(6) Ordinarily, co-accused convicted prisoners shall not be granted regular parole or furlough simultaneously.

(7) The validity period of emergency parole warrant shall be for fifteen days from the date of issuance of the order.

(8) The validity period of a regular parole or a furlough warrant shall be for four months from the date of issuance of the order. The specific date of release or surrender shall not be fixed in the release warrant.

(9) The criminal case under sub-section (2) of section 9 shall be registered at the police station where the temporary release period is being spent or address given in the application by the eligible convicted prisoner. In case of the address being outside the State of Haryana, the criminal case shall be registered at the police station under whose jurisdiction the jail is situated.

(10) In case of rejection of regular parole or furlough by the competent authority, another application for the same purpose shall not be considered before a period of three months from the date of rejection.

(11) Before any convicted prisoner is released on parole or furlough, he shall execute a bond amounting to minimum one lakh rupees extendable to three lakh rupees alongwith minimum two sureties to the satisfaction of the competent authority. The bond shall be conditioned that the convicted prisoner or the hardcore convicted prisoner, as the case may be, shall surrender before the Jail Superintendent before the expiry of furlough or parole period:

Provided that in case of hardcore convicted prisoner, a bond shall be executed amounting to minimum two lakh rupees extendable to five lakh rupees alongwith minimum two sureties to the satisfaction of the competent authority:

Provided further that the surety amount shall not be more than one lakh rupees and three lakh rupees respectively for those convicted prisoners and hardcore convicted prisoners who have peacefully availed two regular parole and one furlough:

Provided further that the competent authority may call for more than two sureties to a maximum limit of five by recording reasons in writing.

(12) The competent authority while accepting the bond under sub-section (11), may impose such conditions, as it may deem fit. The fitness or sufficiency of the sureties shall be determined by the competent authority.

12. (1) An application for grant of parole or furlough may be submitted by the convicted prisoner himself or his adult family member before the Superintendent Jail as per Form A.

(2) On receipt of an application from a convicted prisoner regarding custody parole or emergency parole, the Superintendent Jail shall immediately send a request to the in-charge of the police station concerned under intimation to the District Magistrate or the Deputy Commissioner of Police or the Superintendent of Police to depute a jail officer not below the rank of Assistant

Procedure for
parole or
furlough.

Superintendent to verify the facts about the custody parole or emergency parole, as the case may be and shall satisfy himself that the reason given in the application is genuine and is according to the provisions of this Act.

(3) On receipt of an application from a convicted prisoner for regular parole or furlough, the Superintendent Jail shall send the case of eligible convicted prisoner to the District Magistrate alongwith a copy to the Deputy Commissioner of Police or the Superintendent of Police, in-charge of the police station concerned and competent authority to grant regular parole or furlough. In case, the convicted prisoner is not found eligible for the regular parole or furlough, the Superintendent Jail shall pass speaking order.

(4) The Deputy Commissioner of Police or the Superintendent of Police shall submit his report within the specified time limit to the District Magistrate.

(5) Only one police verification shall be necessary in a calendar year in case of those convicted prisoners who have peacefully availed two regular paroles or one furlough. However, the competent authority may seek fresh report at its discretion.

(6) The District Magistrate shall submit his recommendation or non- recommendation within the time limit as specified in sub-section (11) to the competent authority.

(7) After receipt of recommendation or report from the quarter concerned, the competent authority shall take a decision and issue regular parole or a furlough release warrant as per Form B and in case of rejection of regular parole or furlough, speaking order shall be passed. The sanction or rejection, as the case may be, shall be sent to the District Magistrate concerned and the Superintendent Jail with a copy to the Deputy Commissioner of Police or the Superintendent of Police and the convicted prisoner concerned.

(8) On receipt of the parole or furlough release warrant from the competent authority, the Superintendent Jail shall inform the prisoner concerned and such member of the prisoner's family as the prisoner may specify in that behalf for making arrangement for the execution of the personal bond and surety bond as per Form C and D respectively for securing the release:

Provided that on the written request of the convicted prisoner, the Superintendent Jail may postpone his release for a period of five days from the date of receipt of release order.

(9) Before releasing the convicted prisoner on parole or furlough, the conditions shall be read over to and explained to him and he shall be clearly informed of the date of his surrender. Thereafter, his thumb impression and signatures shall be obtained on his release order and information regarding such release shall be sent to the authorities concerned as per Form E.

(10) The in-charge of police station concerned shall keep a watch on the conduct and activities of the convicted prisoner during the temporary release and submit a report in this regard to the Superintendent Jail through the Deputy Commissioner of Police or the Superintendent of Police as early as possible, but not later than one month.

(11) The process of deciding the application for a regular parole or furlough shall be completed by the different authorities expeditiously. The maximum time for processing an application for a regular parole or furlough by the different authorities shall be as under:-

Superintendent Jail	one week
Deputy Commissioner of Police or Superintendent of Police	two weeks
District Magistrate	two weeks
Competent Authority	two weeks

Provided that if the recommendation or report is not received in the stipulated time period, the competent authority may presume that there is nothing adverse against the prisoner and may decide the application accordingly.

Power to make rules.

13. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

14. The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (28 of 1988), is hereby repealed: Repeal and savings.

Provided that such repeal shall not affect-

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

FORM A*[see section 12(1)]*

(Application to be filled by a convicted prisoner or an adult member of his family for Parole/Furlough)

1. Number and Name of the prisoner :
2. Father's Name :
3. Caste :
4. Complete Residential Address :
5. Reasons for release : Emergency Parole/Regular Parole/Furlough/Custody Parole

(Signature or thumb impression
of the Applicant)**DECLARATION BY THE ELIGIBLE CONVICTED PRISONER**

I hereby declare that I request to be released temporarily (Emergency Parole/Regular Parole/Furlough/Custody Parole) under section 3 or 4 or 5 or 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, and on being so released shall faithfully comply with the conditions of my release.

(Signature or thumb impression
of the Applicant)(To be filled by the Superintendent Jail)
Casual/ Hardcore

1. Number, Name and Age of the Prisoner :
2. FIR detail :
3. Full conviction detail alongwith fine :
4. Detail of period actually spent in jail : Year Months Days
up to the date of application (from _____ to _____)
5. Remission Earned : Year Months Days
6. Unexpired Sentence : Year Months Days
7. Details of other conviction cases, if any :
8. Details of pending cases, if any :
9. Physical and mental condition of the Prisoner :
10. Conduct in jail :
(Details of jail offences to be enclosed, if any)
11. (i) Date when temporary release was last granted :
(ii) Date when temporary release was last rejected :
12. Whether the Prisoner is eligible for release as per :
provisions of the Act
13. Recommendations of Superintendent Jail :
14. Any additional remarks :

Entries checked with warrant

Dated

Superintendent Jail
_____ Jail, _____.

FORM B*[see section 12(7)]***Warrant for the temporary release of prisoners**

Whereas prisoner (Number, Name, Father's Name and Address) at present confined in _____ Jail, _____ under warrant dated _____ (date of conviction) of _____ (name of sentencing court) has applied for his temporary release under section 3 or 4 or 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022;

And whereas the releasing authority is satisfied that the applicant is entitled to be released under the Act;

Now, therefore, Releasing Authority hereby authorise the temporary release of the said prisoner from custody on emergency parole/regular parole/furlough for a period of _____ (period of release) subject to the conditions specified below:-

(1) The prisoner shall during the period of his temporary release reside at _____ (complete address). He shall not without obtaining the prior permission of the District Magistrate visit any place not specified in the release warrant during the said period.

(2) At the time of his release on emergency parole/regular parole/furlough, the prisoner shall give to the District Magistrate _____ full particulars of the place where he intends to reside during the period of his temporary release and shall keep the District Magistrate informed of any subsequent changes of his residence during the said period.

(3) The prisoner shall during the period of temporary release keep peace and maintain good behavior.

(4) After the expiry of the said period of _____ (period of release) for which the prisoner has been temporarily released on emergency parole/regular parole/furlough, the said prisoner shall surrender himself to the Superintendent Jail from which he is so released to undergo the unexpired period of his sentence.

(5) The prisoner shall before his release on emergency parole/regular parole/furlough furnish to the satisfaction of the District Magistrate, _____, a personal bond and _____ (number of sureties) in the sum of Rs. _____ (Rupees _____) (in words) each for faithful observance of the conditions specified in the release warrant.

(6) When the surety furnished becomes insolvent or dies, the State Government may order the prisoner to furnish fresh surety immediately and if such surety is not furnished, the State Government may proceed as if there had been a non-compliance of the conditions of this order.

(7) In addition to the action under sub-sections (2) and (3) of section 9 and section 10 of this Act, the amount of bond shall stand forfeited to the State Government in case any condition of the bond is not fulfilled.

Given under my hand this _____ day of _____

SEAL

Signature of the Releasing Authority

Endst. No.

Dated

A copy is forwarded to :-

- (1) The Superintendent Jail, _____ Jail _____ for necessary action.
- (2) The District Magistrate, _____ for execution and necessary action.
- (3) The Superintendent of Police, _____ with the direction to keep a close watch on the activities of the said prisoner during the temporary release.

Signature of the Releasing Authority

I _____ son of _____ hereby acknowledge receipt of the above warrant and understand the conditions specified in the above warrant of release and I accept them.

Signature and thumb impression of the Prisoner.

FORM C*[see section 12(8)]***Personal Bond of the Prisoner**

In the Court of the District Magistrate, _____

This bond is made on the _____ by _____

(Number, Name, Father's Name and Address of the Prisoner).

Whereas the Releasing Authority is pleased to order my release on emergency parole/regular parole/furlough for a period of _____ (period of release) under section 3 or 4 or 5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, on conditions of my furnishing a personal bond and a surety bond, each for a sum of Rs. _____ to observe the condition specified below.

Now, therefore, I do hereby bind myself to faithfully observe all the conditions mentioned here below and in case of my making default in observing any of them, I bind myself to forfeit the State Government the sum of Rs. _____.

(1) I shall during the period of my temporary release reside at _____ (complete address) and shall not without obtaining the permission of the District Magistrate, _____, visit any place not specified in the release warrant.

(2) I shall during the period of my temporary release keep peace and maintain good behavior.

(3) After the expiry of the period of _____ (period of release) for which I have been temporarily released, I shall surrender myself to the Superintendent Jail, _____ Jail, _____ to undergo the unexpired period of my sentence.

(4) In case my sureties becomes insolvent or dies, I shall furnish fresh security immediately.

Signature and thumb impression of the Prisoner

Accepted for and on behalf of the
Releasing Authority.

FORM D
[see section 12(8)]
Surety Bond

In the Court of the District Magistrate, _____

This Bond is made on the _____ by _____
(1st surety) and _____ (2nd Surety) (hereinafter collectively referred to as the
"Sureties"). (Number of sureties as decided by the releasing authority);

Whereas the releasing authority is pleased to order the release of _____ (Number, Name, Father's Name
and address of the prisoner) (hereinafter referred to as the "prisoner") on emergency parole/regular parole/furlough
for a period of _____ Weeks) under section 3 or 4 or 5 of the Haryana Good Conduct Prisoners (Temporary
Release) Act, 2022, on the condition of the prisoner furnishing a bond as well as a surety bond each for the sum of
Rs. _____ to observe the conditions on which the prisoner has been temporarily released;

And whereas the prisoner has on _____ (date of execution of personal bond of the prisoner) executed a
personal bond for the sum of Rs. _____ to observe the conditions specified therein.

Now, therefore, the sureties jointly and severally do hereby bind themselves to forfeit to State Government
the sum of Rs. _____ in case the prisoner makes a default in observing any of the conditions specified
in the warrant for temporary release.

Signature of the First Surety.

Signature of the Second Surety.

Accepted for and on
behalf of the Releasing Authority

FORM E*[see section 12(9)]***Certificate of conditional release**

In exercise of the powers conferred by section 3/4/5 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, the Releasing Authority, subject to conditions hereinafter set forth, hereby directs the release of prisoner _____ (Number, Name, Father's Name and Address of the prisoner), at present confined in _____, Jail, _____, for _____ (period of release) in pursuance of warrant, dated _____ (date of warrant of Releasing Authority). He has been permitted to visit the below noted places following the specified route:-

Proceed from _____ Jail, _____, to _____ (full address)

Return from _____ (full address) to _____ Jail, _____

Conditions to be observed by the released prisoner:-

1. The prisoner shall proceed forthwith to _____ (full address).
2. He shall report back to _____ Jail, _____ on _____ (date and time of surrender).
3. He shall not proceed to any place other than those he has been authorised to visit.
4. He shall keep peace and maintain good behavior during the period of his temporary release.
5. If in the opinion of Releasing Authority, he is found to have committed a breach of any of these conditions, it may cancel his release warrant and direct his re-admission to the jail.

It is certified that the conditions specified in the above said temporary release warrant have been read over to the prisoner, he understands and acknowledge them and admit that he is being temporarily released on the above mentioned conditions.

I received directions to be present at Jail, _____ on _____ (date of surrender).

Thumb impression of the Prisoner

I believe that the prisoner understands the conditions and acknowledge them.

Attested

Date of temporary Release: (____)

Deputy Superintendent Prison

_____, Jail, _____

No.

Dated

A copy of the above is forwarded to the following for information and further necessary action please:-

1. The Divisional Commissioner, _____ Division, _____ w.r.t. _____ (Release Warrant).
2. The District Magistrate, _____ w.r.t. _____ (orders regarding acceptance of sureties). (Personal bond and surety bonds of the prisoner are enclosed).
3. The Superintendent of Police, _____ with a request to direct the concerned SHO to keep a close watch on activities of said prisoner during the period of temporary release.
4. S.H.O. P.S., _____ District, _____. A close watch shall be kept on activities of said prisoner during the period of temporary release and submit a report as per sub-section 10 of Section 12 of the Act.

Superintendent Jail,

_____, Jail, _____.

BIMLESH TANWAR,
Administrative Secretary to Government,
Haryana, Law and Legislative Department.