

# **Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007**

HARYANA

India

## **Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007**

### **Rule**

### **HARYANA-GOOD-CONDUCT-PRISONERS-TEMPORARY-RELEASE-RU of 2007**

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Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007Published vide Notification No. S.O. 121/H.A. 28/1988/S. 10/2007, dated 18.12.2007Last Updated 5th February, 2020Haryana GovernmentJails DepartmentNo. S.O. 121/H.A. 28/1988/S. 10/2007. - In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 10 and read with sections 3 and 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988 (Act 28 of 1983), the Governor of Haryana hereby makes the following rules regulating the temporary release of prisoners, namely:  
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### **1. Short title and commencement.**

(1)These rules may be called the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007.(2)They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a)"Act" means the, Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (Act 28 of 1988);(b)"Director General" means Director General of Prisons, Haryana;(c)"form" means a form appended to these rules;(d)"parole" means temporary release of a convict;(e)"releasing authority" means the State Government or such other authority to whom the powers of the State Government are delegated under sub-section (4) of section 3 of the Act;(f)"section" means the section of the Act.

### **3. Procedure for temporary release, sections 3, 4, 10(1), 10(2), 10(2)(b), 10(2)(d) and 10(2)(e).**

(1)A prisoner desirous of seeking temporary release under section 3 or section 4 of the Act, shall make an application in form A-I or form A-2, as the case may be, to the Superintendent of Jail. An adult member of the prisoner's family may also make such an application.(2)The Superintendent of Jail shall forward the application along with his report to the District Magistrate who shall forward the case with his recommendations to the Director General for grant of parole or otherwise. The releasing authority may issue to the Superintendent of Jail a duly signed and sealed warrant in Form-B ordering the temporary release of he prisoner specifying therein -(i)the period of release;(ii)the place or places which the prisoner is allowed to visit and(iii)the amount of surety bond.

### **4. Eligibility. section 10(2)(d).**

(1)A prisoner shall be entitled to apply for parole only after he has completed one year of his imprisonment after conviction and has came his first annual good conduct remission under the Act.(2)A prisoner, who has been convicted and sentenced for imprisonment less then four years, shall not be eligible for parole,

### **5. Ineligibility. sections 10(2)(d) and 10(2)(g).**

- No parole/furlough shall be granted to a prisoner who has been sentenced to death penalty.

### **6. Extension. section 10(2)(d).**

- No parole/furlough shall be extended in any case, except a provided in the Act.

### **7. Convict of other State. section 10(2)(d).**

(a)The parole/furlough case of convict of the State other than Haryana State, who is undergoing imprisonment in Jail of Haryana or reciprocal basis or otherwise, shall be initiated by the Superintendent Jail and forwarded to the Director General of Prisons of that State, where from he was convicted, for consideration/sanction/disposal as per their parole/furlough Act/rules.(b)In case a prisoner who is convict of the State of Haryana and also a convict of the other State than Haryana and confined in the Jail of Haryana his parole/furlough case shall be decided by the Director General of Prisons/competent authority of the State wherefrom he has been convicted and sentenced for more serious/heinous crime.(c)Parole/furlough case of a convict who is resident of other State than Haryana but is a convict of the State of the Haryana parole/furlough case of that convict shall be initiated by the Superintendent of Jail and forwarded for sanction to the Director General with a copy to the concerned District Magistrate, where a prisoner wants to avail parole/furlough other than Haryana State for seeking his report/recommendation.

## **8. Sufficient cause. sections 3(1)(d) and 10(2)(d).**

- Under section 3(1)(d) "sufficient cause" may be considered from amongst the following reasons, namely:-(i)admission in school/colleges/professional institutions of the dependents of the convict;(ii)medically scheduled delivery of wife of the convict;(iii)house repairs/new construction of house owned by the convict. Parole for house repair shall be granted only once, in three years;(iv)marriage of prisoner's brother's son or daughter to be celebrated in case his brother is not alive.

## **9. Consequences of jail punishment. sections 10(2)(d) and 10(2)(g).**

- The parole to the convict who has been awarded jail punishments by the Superintendent of Jail shall be granted in the following manner:-(i)A convict who has been awarded a minor jail punishment as defined in para 630 of the Punjab Jail Manual, his parole case shall be initiated after six months from the date of punishment.(ii)A convict who has been awarded a major jail punishment as defined in para 630 of the Punjab Jail Manual, his parole case shall be initiated after one year from the date of punishment.

## **10. Consequences of overstay. section 10(2)(d).**

- A convict, who does not surrender in jail on the due date and time after availing the granted parole/furlough his further parole/furlough shall be considered as under;(i)if the convict overstay 15 days of his parole/furlough, his parole/furlough case shall not be entertained by the Superintendent of Jail earlier than one year from the date of his surrender/arrest;(ii)if the convict overstay 30 days or more of his parole/furlough his case shall not be entertained by the Superintendent of Jail earlier than two years from the date of his surrender/arrest.

## **11. Bonds. sections 10(2)(a) and 10(2)(b).**

(1)(a)On receipt of the release warrant, the Superintendent of Jail shall inform the prisoners concerned and such member of the prisoner's family as prisoner may specify in that behalf for making arrangements for the execution of the personal bond and surety bond in Form-C and D respectively for securing the release. A copy of the release warrant shall also be sent by the Superintendent of Jail to the District Magistrate.(b)The Superintendent of Jail shall also immediately forward to the Officer-Incharge of the police station within whose jurisdiction the place or places to be visited by the prisoners is or are situated, a copy of the warrant and release certificate in Form-E. The Officer Incharge of the Police Station shall keep a watch of the conduct and activities of the Prisoners.(2)(a)In case of convicts of offences of murder, rape, rape with murder, murder for dowry, dacoity and the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) or any other heinous crime surety shall be from one lac rupees to two lac rupees as per discretion of the releasing authority accepting the surety bonds etc.(b)In other cases surety shall be from 'twenty thousand rupees to one lac rupees as per the discretion of the releasing authority accepting the surety bond etc.(3)Under section 3(2)(b) a convict shall be granted parole only for once either under

section 3(1)(b) or section 3(1)(d) and not for both separately during the calendar year except as provided under rule 8 as above. Form A-1 [See rule 3(1)] (To be supplied to a prisoner or any adult member of family free of charge) Application by the prisoner to the Superintendent of Jail for temporary release (parole) under section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. (To be filled in by the prisoner or an adult member of his family) Central Jail \_\_\_\_\_ District Jail \_\_\_\_\_

1. No. and name of the prisoner :
2. Father's Name :
3. Caste :
4. Residence, Village/Mohalla or Town/Police Station/ District :
5. Reasons for release :

(Signature or thumb impression of the applicant). Declaration by the Prisoner I hereby declare that I request to be released temporarily (parole) under section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, and on being so released shall faithfully comply with the conditions of my release. (Signature or thumb impression of the applicant). (To be filled in by the Superintendent of Jail) Casual/Habitual-Number of previous convictions, if any-

1. Number and name of the prisoner
2. Age Years Offence
3. Sentencing Court
4. Period of sentence Fine if any- Fine, realized or not
5. Date of sentence
6. Period actually spent in Jail upto the date of application Year Months Days
7. Remission earned Year Months Days
8. Unexpired period Year Months Days
9. Probable date of release
10. Physical and mental condition of the prisoner
11. Conduct in Jail Date of last jail offence (Details of offence committed in jail are enclosed)
12. Date when parole was last granted Date when parole was last rejected
13. Is the prisoner eligible for release in every respect?
14. Superintendent of Jails recommendations
15. Any additional remarks

Entries checked with warrant Dated Superintendent Central/District Jail \_\_\_\_\_ Form A-2 [See rule 3(1)] (To be supplied to a prisoner or any adult member of family free of charge) Application by the prisoner to the Superintendent of Jail for temporary release (furlough) under section 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. (To be filled in by the prisoner or an adult member of his family) Central Jail \_\_\_\_\_ District Jail \_\_\_\_\_

1. No. and name of the prisoner :

2. Father's Name :
3. Caste :
4. Residence, Village/Mohalla or Town/PoliceStation/ District :
5. Reasons for release :

(Signature or thumb impression of the applicant).Declaration by the PrisonerI hereby declare that I request to be released temporarily (furlough) under section 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, and on being so released shall faithfully comply with the conditions of my release.(Signature or thumb impression of the applicant).(To be filled in by the Superintendent of Jail) Casual/Habitual-Number of previous convictions, if any-

1. Number and name of the prisoner
2. Age Years Offence
3. Sentencing Court
4. Period of sentence Fine if any- Fine, realized or not
5. Date of sentence
6. Period actually spent in Jail upto the date of application Year Months Days
7. Remission earned Year Months Days
8. Unexpired period Year Months Days
9. Probable date of release
10. Physical and mental condition of the prisoner
11. Conduct in Jail Date of last jail offence (Details of offence committed in jail are enclosed)
12. Date when parole was last granted Date when parole was last rejected
13. Is the prisoner eligible for release in every respect?
14. Superintendent of Jails recommendations
- 15 Any additional remarks

Entries checked with, warrant Dated Superintendent Central/District

Jail \_\_\_\_\_ Form-B [See rule 3(2)] Warrant for the temporary release of prisoners under section 3 or 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. Whereas \_\_\_\_\_ at present confined in

\_\_\_\_\_ Jail \_\_\_\_\_ under warrant dated the \_\_\_\_\_ day of \_\_\_\_\_ signed by \_\_\_\_\_ has applied for his temporary release:- And whereas the releasing authority is satisfied that the applicant is entitled to be released under the Act; Now, therefore, release authority hereby authorizes the temporary release of the said prisoner from custody for a period of \_\_\_\_\_ weeks subject to the conditions specified below:- (1) The prisoner shall during the period of his temporary release reside at Village \_\_\_\_\_

shall not without obtaining the prior permission of District Magistrate visit any place not specified in the release warrant during the said period. (2) At the time of his release on the \_\_\_\_\_ the prisoner shall give to the District Magistrate \_\_\_\_\_ full particulars of the place where he intends to reside during the period of 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 behaviour.(4)At the expiry of the said period of \_\_\_\_\_ weeks for which the prisoner has been temporary released the said prisoner \_\_\_\_\_ son of \_\_\_\_\_ shall surrender himself to the Superintendent of the jail from which he is so released to undergo the unexpired portion of his sentence.(5)The prisoner shall, before his release on \_\_\_\_\_ furnish to the Satisfaction of the District Magistrate \_\_\_\_\_ bond and two sureties in the sum of \_\_\_\_\_ Rs. \_\_\_\_\_ (each) for faithfully observance of the conditions specified in the release warrant.(6)When the surety furnished becomes insolvent or dies the Government may order the prisoner to furnish fresh surety immediately and if such surety is not furnished, the 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 8 of the said Act, the amount of the bond shall stand forfeited to Haryana Government in case any condition of the bond is in the opinion of the Government not fulfilled.Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ Seal RegisteredSignature of Releasing Authority

Endst. No. GI/G Dated

A copy is forwarded to:-(1)The

Superintendent \_\_\_\_\_ Jail \_\_\_\_\_ (2)The District Magistrate \_\_\_\_\_ for execution and necessary action.Signature of Releasing AuthorityI \_\_\_\_\_ 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 or Thumb Impression of the

Prisoner.Form-C[See rule 11(1)(a)]Personal BondIn the Court of the District

Magistrate \_\_\_\_\_ This Bond is made on the \_\_\_\_\_ by me \_\_\_\_\_ (name of the prisoner).Whereas the Governor of Haryana

(hereinafter referred to as "the Government"), is pleased to order my release on parole/furlough for a period of \_\_\_\_\_ weeks/days commencing

from \_\_\_\_\_ and ending on \_\_\_\_\_ under

section \_\_\_\_\_ of the Haryana Good Conduct Prisoners (Temporary

Release) Act, 1988, on the Condition of my furnishing a personal bond and a surety bond, each for a sum of Rs. \_\_\_\_\_, to observe the conditions 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 to the Government the sum of Rs. \_\_\_\_\_.(1)I shall during the period of my temporary release reside at

village/town \_\_\_\_\_ tehsil \_\_\_\_\_ district \_\_\_\_\_ 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 behaviour.(3)At the expiry of the period

of \_\_\_\_\_ weeks/days for which I have been temporarily released I shall surrender myself to the Superintendent Jail \_\_\_\_\_ to undergo the unexpired portion of my sentence.(4)At the time of my release on parole/furlough I shall give to the District Magistrate \_\_\_\_\_ full particulars of the place where I intend to reside during the period of my temporary release and shall keep him duly informed of any subsequent change of my residence during the said period.(5)In case any of my sureties becomes insolvent or dies, I shall

furnish fresh surety immediately. Signature or thumb Impression of the prisoner. Accepted for and on behalf of the Governor of Haryana. \_\_\_\_\_ Form-D [See rule 11(1)(a)] 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"). Whereas the Governor of Haryana (hereinafter referred to as "the Government"), is pleased to order the release of \_\_\_\_\_ (hereinafter referred to as the "prisoner") on parole/furlough for a period of \_\_\_\_\_ weeks/days commencing from \_\_\_\_\_ and ending on \_\_\_\_\_ under section \_\_\_\_\_ of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, 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 \_\_\_\_\_ 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 Government the sum of Rs. \_\_\_\_\_ in case the prisoner makes a default in observing any of the conditions specified in his personal bond. Signature of the first surety. Accepted for and on behalf of the Governor of Haryana Governor of Haryana Signature of the second surety. Form-E [See rule 11(1)(b)] Certificate of conditional release under section 3 or 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. In exercise of the powers conferred by section \_\_\_\_\_ of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the releasing authority has, subject to the conditions hereinafter set forth, directed, the release of prisoner \_\_\_\_\_ son of \_\_\_\_\_, caste \_\_\_\_\_ age \_\_\_\_\_ resident of village \_\_\_\_\_ police station \_\_\_\_\_, district \_\_\_\_\_, prisoner number \_\_\_\_\_ at present confined in the jail for \_\_\_\_\_ days in pursuance of warrant dated \_\_\_\_\_. He has been permitted to visit the below noted places following the specified route:- Proceed from \_\_\_\_\_ to \_\_\_\_\_ or \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ or \_\_\_\_\_ to be observed by the released prisoners

**1. The released prisoner shall proceed forthwith to \_\_\_\_\_**

**2. He shall report back**

**to \_\_\_\_\_ Jail \_\_\_\_\_ on \_\_\_\_\_**

**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 behaviour during the period of his temporary release.**

**5. If in the opinion of the 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 jail.**

Superintendent, \_\_\_\_\_ Jail \_\_\_\_\_ .Certified that the conditions specified in the above order of temporary release have been read over and explained to the prisoner named on the said order and that he has acknowledge that he understands and accepts the same as the conditions under which he is to be released before the expiry of the term of his sentence. I believe that he understands and accepts them.Superintendent, \_\_\_\_\_ Jail \_\_\_\_\_ .Date \_\_\_\_\_ of temporary release of the prisoner on parole/furlough \_\_\_\_\_ .No. \_\_\_\_\_ dated \_\_\_\_\_ C  
forwarded to;-(1)The Superintendent of Police \_\_\_\_\_ .(2)S.H.O.,Police Station \_\_\_\_\_ . District \_\_\_\_\_ for information and necessary action.Superintendent, \_\_\_\_\_ Jail \_\_\_\_\_ .