



The Haryana Good Conduct Prisoners (Temporary Release) Bill, 2022

Act No. 15 of 2022

Keywords:

Convicted Prisoner, Furlough, Parole

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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 overstaying.

(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;

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

Penalty for failure to surrender.

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.

Procedure for parole or furlough.

(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

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 temporary 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 setforth, 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.