

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.1463 of 2015

Date of Decision: October 12, 2015

Binderpal alias Binder

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.S.Trikha, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for emergency parole to celebrate the marriage of his sister's son being only *mamaji* after the death of father in the family and his brother-in-law Raj Singh, due to shortening of leg during terrorist shot, is unable to shoulder the marital responsibilities of his son.

Notice of motion was issued and learned State counsel appeared. Due to short date, learned State counsel could not call the report from the police officials nor could file the reply.

As the marriage is fixed for tomorrow i.e. 13.10.2015, no further adjournment can be given for the purpose of reply or asking for

the report.

After hearing learned counsel for the petitioner as well as learned State counsel and after going through the record, first of all, I find that this petition is dated 01.10.2015 and it has come up for hearing for the first time before the Court on 08.10.2015 and there was very less period to call for the reply from the State regarding the facts as mentioned in the petition. There is nothing on the record that the marriage has been hurriedly fixed which shows that the petitioner himself is responsible for filing the petition late, due to which the facts mentioned in the petition could not be got verified and proper opportunity could not be given to the State.

Secondly, I find that as per the averments and documents on record, even the application by Jaswant Kaur given to Superintendent Jail is also dated 01.10.2015, which means that even the petitioner had not given reasonable time to the Superintendent Jail to process his application.

Furthermore, the petitioner wants emergency parole to attend the marriage of sister's son. In no way, the presence of the present petitioner, who has been convicted under Section 15 of the NDPS Act, can be held as necessary or essential at the time of marriage.

In view of the above discussion, I do not find any merit in the present petition and the same is dismissed.

October 12, 2015
Vgulati

(INDERJIT SINGH)
JUDGE