

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

**Crl. Writ Petition No. 1622 of 2015 (O&M)
Date of decision : 20.11.2015**

Dalbir

..... Petitioner

versus

State of Haryana & Ors.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

**Argued by: Mr. A.S. Trikha, Advocate
for the petitioner.**

Mr. Deepak K. Grewal, DAG Haryana.

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ANITA CHAUDHRY, J.

Learned counsel for the petitioner at the outset submits that name of petitioner has been mentioned as Vikram instead of Dalbir in the memo of parties which is incorrect and may be allowed to be corrected. The error seems to be clerical one. Registry is directed to make necessary correction in the memo of parties.

Petitioner Dalbir is undergoing ten year sentence in District Jail, Jind, in FIR No. 131 dated 18.03.1998, under Sections 366 and 376 IPC, Police Station Sadar Narwana. His appeal is stated to have been dismissed by this Court.

His son Vikram filed an application seeking Dalbir's release to attend his (Vikram's) marriage fixed for 25.11.2015.

The ceremonies commence on 24.11.2015. The application was

declined vide impugned order dated 04.11.2015, Annexure P-1, leading to the filing of the instant petition.

Learned State counsel seeks time to file the reply.

Due to interregnum holidays, there is no time left to grant more opportunity to the State to file reply. The prayer has, however, been opposed.

There is no serious dispute that the marriage is fixed. Instructions were telephonically taken by the State. The petitioner's plea for emergency parole was dismissed solely on the ground that the petitioner had already availed parole from 25.05.2015 to 23.06.2015 for admission of children and that he was not entitled to second parole to attend the marriage in the current year.

Recently, this Court in Criminal Writ Petition No. 961 of 2015, decided on 06.07.2015, in an identical situation, relying upon decisions in **Mahender Vs. State of Haryana & Ors. 2003(1) RCR(Crl.) 217**, **Sushil Kumar Vs. State of Haryana, 2000(3) RCR(Crl.) 6987** and **Kirpal Singh Vs. State of Haryana, 1997(3) RCR(Crl.) 735** and the provisions contained in Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, held that the maximum period of four weeks of parole cannot be taken conjointly in relation to Clauses (b) & (d) of sub-Section (1) of Section 3 of the Act and there is no bar to grant second parole.

In the case of **Mahavir Vs. State of Haryana & Ors. 2012(2) Law Herald, 1851**, a Coordinate Bench of this Court

had held as follows:-

"The emergency parole is granted to the convict to attend various situations over which he has no control i.e. death or fixation of marriage of a relation. To say that the sister should postpone the marriage of her son or daughter, till the completion of one year of imprisonment by the conviction so that she/ he is able to attend the marriage, is demanding more than required. Rule 4(1) of the Rules may be invoked in case of parole which is to be granted for attending agricultural pursuits or house repairs which are recurring periodical feature in the life of human being and over which the convict has control or can plan in advance."

In view of the discussion above, the ground on which the relief was denied is neither justified nor tenable.

For the aforesaid reasons, the instant petition is partly allowed. The petitioner is ordered to be released on emergency parole for three days on his furnishing adequate bail bonds and surety bonds to the satisfaction of District Magistrate, Jind to attend the marriage of his son. The parole period would commence from 23.11.2015 and the petitioner would surrender before the jail authorities on 26.11.2015. There would be no request for further extension.

November 20,2015
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(ANITA CHAUDHRY)
JUDGE