

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 1737 of 2015
Date of decision:-05.12.2015

Rajbir Singh Pundir

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. S.K Yadav, DAG, Haryana.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Articles 226/227 of the Constitution of India read with Section 3 Sub Sections (1) (b) and (2) (b) of the Haryana Good conduct Prisoners (Temporary Release) Act, 1988 for grant of emergency parole to the petitioner and for quashing of order dated 01.12.2015 passed by the Superintendent, District Jail, Yamuna Nagar, whereby the application filed by the petitioner for grant of emergency parole to attend the marriage of his niece has been dismissed.

Learned counsel submits that the brother of the petitioner namely, Dharambir Singh expired on 03.12.1995 and since then the petitioner is looking after the daughter and the wife of his brother.

Other brothers of the petitioner are not having cordial relations with

the family of his deceased brother namely, Dharambir Singh. The petitioner being the uncle of the daughter of his brother is to make arrangements for the marriage of his niece to be solemnized on 09.12.2015 where his presence is required.

Notice of motion was issued in the case on 03.12.2015. Learned State counsel has filed reply on behalf of Superintendent District Jail, Yamuna Nagar as well as of Deputy Superintendent of Police Yamuna Nagar, wherein the factum of marriage of the niece of the petitioner, which is to be solemnized on 09.12.2015 has been affirmed. It has also been mentioned in the reply that after the death of brother of the petitioner, he is looking after the family of his brother including wife and daughter and there is no other responsible person in the family to make arrangements for the marriage. As per custody certificate, the petitioner has undergone actual sentence of four months against total sentence of six years.

Heard arguments of learned counsel for the petitioner and have also perused the reply filed by learned State counsel.

In view of the submissions made by learned counsel for the petitioner and the fact that marriage of the niece of petitioner is to be solemnized on 09.12.2015; his brother had expired on 03.12.1995; the petitioner being the brother of deceased Dharambir Singh is looking after his family and being the uncle, his presence is necessary on the occasion of marriage of his niece for making arrangements, the petition is allowed. The petitioner is allowed parole for a period of ten days w.e.f 07.12.2015 to 16.12.2015. The Superintendent, District Jail, Yamuna Nagar is directed to release the petitioner on parole to his satisfaction. The petitioner is directed

to surrender before the jail authorities on expiry of period of ten days
i.e. on 17.12.2015.

Copy of the order be given to learned counsel for the
petitioner under signatures of the Special Secretary of the Court.

05.12.2015

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**(DAYA CHAUDHARY)
JUDGE**