IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.24 of 2015
Date of decision:- 15.01.2015.

Bajrang

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

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

Mr. Randhir Singh, Addl. A.G. Haryana.

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T.P.S. MANN, J. (ORAL)

The petitioner has filed the present writ petition under Article 226 of the Constitution of India, wherein, he has prayed for issuance of writ, order or directions to the respondents to release him on emergency parole so as to enable him to perform the *Kanyadan* of his real sister on 18.01.2015 at the time of her marriage with Akhil son of Anil Garg of Meham, District Rohtak.

The petitioner stands convicted under Sections 302, 395, 396, 307, 364, 328, 323, 341, 342, 412 and 201 read with Section 120-B IPC vide judgment dated 06.04.2010 and sentenced to undergo imprisonment for life. Presently he is confined in Central Jail, Ambala and undergoing the sentence.

According to the petitioner, his mother died in the year

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2010, whereas, his father left the house 15/16 years ago. The petitioner has only one brother and sister Sonika. His brother is minor. The marriage of Sonkia is scheduled to be performed with Akhil on 18.01.2015 at Aggarwal Dharamshala, Azad Chowk, Meham. The presence of the petitioner is essential as only he can perform the *Kanyadan* of his sister Sonika. Prayer has, accordingly, been made for release of the petitioner on parole.

Upon notice, the State of Haryana has produced the report prepared by the Superintendent, Central Jail, Ambala, wherein, it is mentioned that as the petitioner is a hardcore prisoner he is not entitled to temporary release or furlough. It has further been stated that he may be released on temporary basis to attend the marriage of his sister for 48 hours under an armed police escorts guard to be decided by the jail Superintendent under intimation to the concerned District Magistrate and Superintendent of Police as per the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2014 which was notified on 31.03.2014.

Having heard learned counsel for the parties and on going through the report of the Superintendent, Central Jail, Ambala, this Court is of the considered view that the petitioner cannot be ordered to be released on parole or furlough so as to attend the marriage of his sister. However, directions can be issued to the Superintendent, Central Jail, Ambala to take the petitioner under an armed police escorts guard to the venue where his sister Sonika is

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to be married to Akhil on 18.01.2015.

Resultantly, the directions are issued to the Superintendent, Central Jail, Ambala to make arrangements for taking the petitioner under an armed police escorts guard, to be decided by the Superintendent himself, under intimation to the concerned District Magistrate and Superintendent of Police on supplying them full particulars of the petitioner. The petitioner be taken out of Central Jail, Ambala on 18.01.2015 at 11.00 a.m. and be thereafter, taken to Aggarwal Dharamshala, Azad Chowk, Meham so that he may perform the requisite ceremonies at the time of marriage of his sister Sonika with Akhil. After the ceremonies of marriage are over, the petitioner be brought back to Central Jail, Ambala before sunset on 19.01.2015 and lodged, thereafter, to serve the sentence already imposed upon him.

The petition is disposed of accordingly.

An attested copy of this order be supplied to learned State counsel under the signatures of Special Secretary of this Court for compliance.

(T.P.S. MANN)
JUDGE

(SHEKHER DHAWAN)
JUDGE

January 15, 2015.
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