

In the High Court of Punjab and Haryana at Chandigarh

CrWP No.1506 of 2016

Date of decision: 29.11.2016

Anil son of Sukhbir

.... Petitioner

Versus

State of Haryana & anr.

.... Respondents

CORAM: Hon'ble Mr. Justice S.S. Saron.
Hon'ble Mrs. Justice Lisa Gill.

Present: Ms. Sumanjit Kaur, Advocate for the petitioner
Mr. S.S. Pannu, DAG, Haryana.

S.S. Saron, J.

Learned State Counsel has filed affidavit of Sh. Jai Kishan Chhillar, Superintendent Jail, District Jail, Sonapat on behalf of respondents No.1 and 2. The affidavit is taken on record.

Heard learned counsel for the parties.

The petitioner seeks parole for one week for the purpose of attending and celebrating the marriage of his younger brother Sunil which is to be solemnized on 1.12.2016. The wedding invitation card (Annexure P-1) of the marriage has been placed on record.

The petitioner has been convicted and sentenced by the learned Sessions Judge, Sonipat on 10.1.2014 in case FIR No.238 dated 9.10.2011 registered at Police Station Murthal, District Sonipat for the offences punishable under Sections 302/34 Indian Penal Code; besides, Section 25 of the Arms Act, 1959. Criminal appeal i.e. CRA No. D-220-DB of 2014 filed by the petitioner is pending in this Court. It was

admitted on 10.2.2014. The marriage of the younger brother of the petitioner is to be solemnized on 1.12.2016 with Ms. Kusum.

In terms of the reply that has been filed it is stated that the petitioner has neither submitted any application to the Superintendent District Jail, Sonipat (respondent No.2) nor made any request in this regard before the jail authorities. In case he applied for parole for the marriage of his younger brother, the same would have been decided on merits. A reference has been made to Rule 11 (3) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 ('Rules' - for short) which provides that under Section 3 (2) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('Act' - for short) a convict is to be granted parole only for once either under Section 3 (1) (b) or Section 3 (1) (d) of the Act and not for both separately during the calendar year except as provided under Rule 8 of the Rules. The petitioner, it is submitted, has already availed four weeks parole from 19.7.2016 to 17.8.2016 for the admission of his children. The said parole would be temporary release under Section 3 (1) (d) of the Act. Therefore, in view of Rule 11 (3) of the Rules, it is submitted that that the petitioner is ineligible for parole for the marriage of his younger brother, which would fall under Section 3 (1) (b) of the Act and he can be granted parole only for once either under Section 3 (1) (b) and Section 3 (1) (d) of the Act and not for both separately during the calendar year.

In view of the aforesaid position i.e. not approaching the jail authorities for temporary release on parole and also the requirement of Rule 11 (3) of the Rules, learned Counsel appearing for the petitioner submits that the petitioner may be taken in custody for the marriage of his younger brother.

Learned State Counsel has fairly acceded to the same.

In the circumstances, the petition is disposed of and the petitioner shall be taken in custody for the marriage of his younger brother namely Sunil on 1.12.2016 and he be brought back to the jail before the jail closes for admission of prisoners.

Copy of the order be given to the learned State Counsel under the signatures of the Bench Secretary.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

29.11.2016
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Note:-

1. Whether the order is reasoned/speaking : Yes.
2. Whether the order is reportable : No.