

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

CRWP-1647-2016

Date of decision: 21 .12.2016

Balbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Malkeet Singh, Advocate for the petitioner

SNEH PRASHAR, J.

The present criminal writ petition under Article 226 of the Constitution of India has been filed for issuance of direction to respondents No.3 and 4 to release the petitioner on emergency parole for fifteen days to celebrate the marriage of his daughter, which is scheduled to be held on 7.1.2017.

Notice of motion.

On asking of the Court, Mr.C.S. Brar, Deputy Advocate General, Punjab accepts notice on behalf of the respondents-State.

As submitted on behalf of the petitioner, he had applied for release on emergency parole on the ground that the marriage of his daughter is fixed for 7.1.2017. The application was given to the Deputy Commissioner- cum- District Magistrate, Amritsar (respondent No.3) as the Superintendent, Central Jail, Amritsar (respondent No.4) had refused to accept the same. The application was endorsed by the Deputy

Commissioner to the Superintendent, Central Jail, Amritsar but the said Superintendent has not taken any step to process and decide the application alleging that he cannot seek parole before the expiry of four months from the date of conviction.

Learned counsel contends that the petitioner is entitled to emergency release on parole as envisaged under Section 3(1)(b) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and Rule 3 of the Punjab Good Conduct Prisoners (Temporary) Rules, 1963 even before expiry of four months from the date of conviction. To support his contention, learned counsel has relied upon the law laid down in **Gurmit Singh vs. State of Punjab and another 2016(2) R.C.R. (CrI.) 82 (P&H)**.

Considering the aforesaid facts and circumstances and in the light of ratio of **Gurmit Singh's case (supra)** and without going into merits of the case, the present petition is disposed of with a direction to Superintendent, Central Jail, Amritsar (respondent No.4) to process and decide the application given by the petitioner for emergency release on parole within a week.

21.12.2016
gsv

(SNEH PRASHAR)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No