

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.1652 of 2016 (O&M)

Date of Decision: 28.12.2016

Vinod Kumar @ Bittu

... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present:- Mr. Vikram Jeet Singh, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India read with Section 3 (1) (c) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 seeking parole to the petitioner for a period of two weeks to attend the marriage of his real sister.

Upon notice of motion having been issued, learned State counsel has filed in Court today an affidavit of the Deputy Superintendent of Police, District Charkhi Dadri on behalf of the State as also a separate affidavit of the Superintendent, District Jail, Faridabad. Both the affidavits are taken on record. Copies already stand furnished to the counsel for the petitioner.

Counsel for the parties have been heard.

It has gone uncontroverted that the petitioner is a convict having been held guilty for offence under Sections 302, 201, 392, 397, and 420 of Indian Penal Code in case FIR No.299 dated 28.08.2013, registered

at Police Station Sadar Dadri, District Bhiwani and as such is a Hardcore Prisoner as defined under the Act. He is presently undergoing sentence and confined at District Jail, Faridabad.

Section 5 A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012 (for short 'Amendment Act, 2012') reads as under:

“5 A. Special Provisions for Hardcore Prisoners- Notwithstanding anything contained in section 3 and 4, a hardcore prisoner shall not be released on temporary basis or on furlough:

Provided that a hardcore prisoner may be allowed to attend the marriage of his child, grand child or sibling; or death of his grand parent, parent, grand parent-in-laws, parent-in-laws, sibling, spouse or child, under the armed police escort, for a period of forty eight hours to be decided by the concerned Superintendent Jail and intimation in this regard with full particulars of hardcore prisoner being released, shall be sent to the concerned District Magistrate and Superintendent of Police within twenty four hours.”

As per affidavits filed in Court today, the factual position stands verified whereby the marriage ceremony of the real sister of the petitioner is slated for 01.01.2017. Under Section 5 A of the Amendment Act 2012, a hardcore prisoner may also be allowed to attend the marriage of his sibling and that too under armed police escort for a period of 48 hours.

In view of the factual position noticed hereinabove, the present petition is disposed of with a direction to the Jail Superintendent, District

Jail, Faridabad to make necessary arrangements to take the petitioner in police custody to facilitate him to attend the marriage of his sister at 10:00 a.m. on 01.01.2017 and to be brought back for confinement in District Jail, Faridabad at 5:00 p.m. on 02.01.2017.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.12.2016

(DEEPAK SIBAL)
JUDGE

vandana

Whether speaking/reasoned	Yes
Whether Reportable	No