

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

**Criminal Writ Petition No.261 of 2016
Date of Decision: 24.02.2016**

Nirmal Singh alias Nimma

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

- 1. Whether reporters of local newspapers may be allowed to see judgment?*
- 2. To be referred to reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Articles 226/227 of the Constitution of India is for grant of parole to the petitioner under Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for two weeks to enable him to attend the marriage of his elder brother namely Satnam Singh which is scheduled for 26.2.2016.

On notice of motion having been issued, learned State counsel has filed the enquiry report in Court and does not dispute the fact that the marriage of elder brother of the petitioner is

scheduled for 26.2.2016, however, he submits that under the law, there is no provision for grant of parole for such like marriage.

Learned counsel for the petitioner contends that the petitioner is the only brother of said Satnam Singh and he had submitted an application for grant of emergency parole before jail authorities, however, the same has been declined by respondent no.2 vide order dated 16.2.2016 (Annexure P-2), ignoring the Division Bench judgment of this Court in **Gurpreet Singh v. State of Punjab and another 2012(3) RCR (Criminal) 504** and Single Bench judgment in **Vijay Kumar Sharma v. State of Punjab and another 2012 (3) RCR (Criminal) 409.**

I have heard learned counsel for the parties and with their able assistance, perused the material available on record.

In the case of **Gurpreet Singh** (*supra*), Hon'ble Division Bench has held that Punjab Good Conduct Prisoners (Temporary Release) Rules, 1963 is directory and not mandatory in nature and as such, in view of peculiar facts and circumstances of the case, the emergency parole can be granted to the petitioner to attend the marriage of his brother.

Admittedly, the marriage of the brother is fixed for 26.2.2016. It has also not been disputed that earlier also, the petitioner was granted the concession of parole and he has not misused the same. Therefore, the order dated 16.2.2016 (Annexure P-2) passed by respondent no.2, declining the prayer

of the petitioner for grant of parole, does not appear to be justified

Taking into consideration the facts and circumstances of the case and also judgments of this Court in the cases of **Gurpreet Singh** (*supra*), **Vijay Kumar Sharma** (*supra*), the present petition is allowed, the order dated 16.2.2016 (Annexure P-2) passed by respondent no.2 is quashed and the petitioner is ordered to be released on parole from 25.2.2016 to 5.3.2016, subject to his furnishing bond in the sum of Rs.1 lac with one surety of the like amount to the satisfaction of District Magistrate/Deputy Commissioner, Patiala.

The petitioner shall surrender at the gate of the Central Jail, Patiala on 5.3.2016 at 11-30 A.M.

Copy of this order be given *dasti* to learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

February 24, 2016
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(HARI PAL VERMA)
JUDGE