

CRWP-31-2016

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

CRWP-31-2016

Date of Decision: January 29, 2016

BHUPINDER SINGH

..... Petitioner

VS

STATE OF PUNJAB AND OTHERS.

... Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

Present: Mr. Rajiv Sidhu, Advocate,
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition filed under Article 226 of the Constitution of India read with Section 3 (i) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 is for grant of emergency parole for a period of two months to the petitioner to attend the marriage of his sister which is to be solemnised on 02.02.2016.

The notice of the petition was issued and in pursuance thereof, the State of Punjab has filed the reply alleging that after the conviction, the petitioner has not

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completed four months of imprisonment and as such, his case for grant of emergency parole was rejected.

Learned counsel for the petitioner contends that the petitioner is the only brother of his sister i.e. Ms. Harpreet Kaur, whose marriage is to be solemnized on 02.02.2016. He further contends that the application for release of the petitioner on emergency parole was presented before the jail authorities which has wrongly been declined ignoring the Division Bench judgment of this Court passed in the matter of ***Gurpreet Singh Vs. State of Punjab and another, 2012 (3) RCR (Criminal) 504*** and the Single Bench judgment in the case of ***Vijay Kumar Sharma Vs. State of Punjab and another 2012 (3) RCR (Criminal) 409***.

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

In the matter of ***Gurpreet Singh (Supra)***, Hon'ble Division Bench of this Court has held that the Rule 13 (2) of the Punjab Good Conduct Prisoners (Temporary Release) Rules, 1963 is directory and not mandatory in nature and as such, in view of the peculiar facts and circumstances of the case, the emergency parole can be granted to a convict before completion of the sentence of four months.

Since the marriage of sister of the petitioner is to be solemnized of 02.02.2016 and he is the only brother, therefore,

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order passed by the jail authorities declining prayer of the petitioner to release him on parole does not appear to be sound. The petitioner has already suffered incarceration of two years and approximately 7 months (as disclosed by the learned counsel for the petitioner).

In view of the totality of the facts of the case and taking into consideration the ratio of the judgments (Supra), the present petition is allowed.

It is directed that petitioner Bhupinder Singh S/o Sukhwinder Singh resident of VPO Ratta Khera, P.S. Guhla, District Kaithal (Haryana), be released on parole from 30.01.2016 to 05.02.2016 (both dates inclusive), subject to his furnishing bond in sum of Rs. 1.00 Lakh with one surety of the like amount to the satisfaction of the learned District Magistrate/Deputy Commissioner, Patiala.

The petitioner would surrender at the gate of Central Jail, Patiala on 06.02.2016 at 9.30 a.m.

(NARESH KUMAR SANGHI)
JUDGE

January 29, 2016.
Suresh Kumar