

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.516 of 2016 (O & M)
Date of decision: 21.04.2016

Anil Kumar

....Petitioner

Vs.

State of Haryana and others.

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. R.K. Bagga, Advocate for the petitioner.

Mr. Apoorav Garg, DAG, Haryana for the State.

S.S.SARON,J.

The petition has been filed for directing Divisional Commissioner, Ambala Range, District Ambala and District Magistrate, Yamunanagar (respondents No.2 and 4) to decide the application of the petitioner for marriage parole, which is pending in their office. A further direction has been prayed for being issued to the respondents to release the petitioner on four weeks' parole to attend the marriage of his real son namely Pardeep Kumar, which is to be solemnized on 23.04.2016.

The petitioner is undergoing imprisonment in District Jail, Yamunanagar. He made a representation on 06.04.2016 to the Superintendent, District Jail, Yamunanagar (respondent No.3) for grant of parole so as to enable him to celebrate the marriage of his real son. The request of the petitioner was forwarded to

the Divisional Commissioner, Ambala Range, District Ambala and District Magistrate, Yamunanagar (respondents No.2 and 4) on 06.04.2016. However, till date the application for grant of parole is still pending.

Notice of motion was issued by this Court on 19.04.2016 for today.

Learned counsel for the State submits that ASI Lokesh Kumar, Beat Incharge Police Station, Sadar Jagadhari has conducted verification on 20.04.2016. He recorded the statement of Smt. Prem Lata, Sarpanch of Village Bhukhari, who has verified that the petitioner is resident of village Bhukhari Police Station Sadar Jagadhari; besides, statement of Suresh Kumar son of Sawan Ram was recorded, who has also verified that the petitioner is resident of village Bhukhari. He has verified that the marriage of the elder son of the petitioner namely Pardeep Kumar is to be solemnized on 22.04.2016. In the report that has been submitted by the Beat Incharge, there is no serious objection to the parole being granted.

Keeping in view the fact that the marriage of the son of the petitioner is to be solemnized on 23.04.2016 for which the petitioner is required to make various arrangements, it would be just and expedient that the petitioner is granted necessary parole for a period of four weeks' from the date of his release.

The provisions of Section 3 (1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('Act' – for

short), provides for release on temporary basis of a prisoner on recording satisfaction that the marriage of the prisoner himself, his son, daughter, grand-son, grand-daughter, brother, sister, sister's son or daughter is to be celebrated. In terms of Section 3 (2) (b) of the Act where the prisoner is to be released on the grounds specified in clause (b) of sub Section (1), the period of release is not to exceed four weeks'.

Accordingly, the writ petition is allowed and the petitioner on his furnishing personal bond and surety to the satisfaction of the learned District Magistrate, Yamunanagar (respondent No.4), shall be released on four weeks' parole, which shall be counted from the date of his release.

Order be given 'dasti' on payment of usual charges.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

April 21, 2016
A.Kaundal