

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

**Criminal Writ Petition No.539 of 2016
Date of Decision:-05.05.2016**

Deepak

...Petitioner

Versus

State of Haryana and others

...Respondents

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. Hoshiair Singh Jaswal, Advocate
for the petitioner.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for grant of parole to the petitioner under Section 3(1)(b) of the Haryana Good Conduct Prisoner's (Temporary Release) Ac, 1988 so as to participate in the marriage of his nephew (sister's son) namely, Ankit, which is to be solemnized on 08/09.5.2016.

Vide judgment dated 15.9.2011 passed by learned Additional Sessions Judge, Sonapat, the petitioner was convicted

and sentenced for life imprisonment. Appeal against the said judgment filed by the petitioner i.e. CRA-D-952-DB of 2011 before this Court was also dismissed vide judgment dated 7.9.2015.

Learned counsel for the petitioner contends that the petitioner is having three sisters and no brother. Ankit is the nephew, whose marriage is fixed for 08/09.5.2016. In the family of the petitioner, there are only mother and his wife and no other male member is there. Even father of the petitioner had died. Being the *Mama*, he is required to perform some ceremonies. As per the Hindu rites, presence of *Mama* is essential in order to perform the ceremony of *Bhaat*. Learned counsel for the petitioner states that in view of the provision of Section 3(1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the petitioner is entitled for parole.

Learned State counsel has filed the reply. Same is taken on record. Copy supplied to the counsel opposite. It has been specifically contended that the petitioner has never made any representation (Annexure P-1) as referred in the petition. However, learned State counsel on instructions from ASI Raj Kumar states that the marriage of nephew of the petitioner is fixed on 08/09.5.2016.

Taking into consideration the fact that the marriage of real nephew of the petitioner is fixed for 08/09.5.2016 and as per Hindu rites the presence of *Mama* is usually required, the

petitioner is ordered to be released on parole for two days i.e. for 8.5.2016 and 09.5.2016. The petitioner is ordered to be taken from the jail premises to the place of marriage of his nephew Ankit in police custody in the morning of 8.5.2016 till evening and thereafter he will surrender to the jail . Similarly, on 09.5.2016, he would again be taken from the jail premises to the place of marriage of Ankit and to surrender in the evening to the jail.

With the aforesaid directions, the instant petition stands disposed of.

May 05, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE