

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1338-2017

Date of decision: 15.11.2017

Sukhdev Singh @ Sukha

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumeet Puri, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for releasing the petitioner on temporary parole for 04 weeks under Section 3 (1) (b) of the Haryana Good Conduct Prisoners Temporary Release Act, 1988.

Counsel for the petitioner submits that the petitioner is undergoing imprisonment in pursuance to a judgment dated 20.01.2017 vide which the petitioner was sentenced to undergo 10 years R.I. and to pay a fine of Rs.1 lac, in FIR No.212 dated 12.10.2015 under Section 15 of the NDPS Act, Police Station Jakhal, District Fatehabad. It is further submitted that since registration of the FIR on 12.10.2015, the petitioner is in judicial lockup and has prayed for temporary release on the ground that father of the petitioner Pritam Singh has died on 05.11.2017 and he has to attend the last rites scheduled for 17.11.2017.

Reply by way of affidavit dated 14.11.2017 of Superintendent Jail, Central Jail-2, Hisar has been filed in the Court today and the same is

taken on record. As per this affidavit, this fact has been verified that father of the petitioner has died on 05.11.2017. However, it is submitted that in case the petitioner is released on parole, there is a possibility that he may not surrender and absent himself or misuse the concession of parole, by absconding from the judicial lockup.

As per the report dated 14.11.2017 submitted by Station House Officer, Police Station Jakhal (Annexure R-1/T), the petitioner was also involved in an FIR relating to the year 1997 under Sections 323, 324, 34 IPC, in which he was acquitted on the basis of compromise and an FIR relating to the year 2003, again under Sections 323, 324, 326, 506, 34 IPC, in which he was released by giving the benefit of doubt. Apart from these two cases, there is no other FIR prior to registration of the present FIR dated 12.10.2015 in which the petitioner has already undergone approximately two years of actual sentence.

In view of the above, petitioner is granted 04 weeks parole to attend the last rites of his father w.e.f. 16.11.2017 till 15.12.2017, on furnishing heavy surety, out of which one should be a member of Panchayat or Numberdar of his village, who will undertake that the petitioner will surrender before the jail authorities on 15.12.2017.

Copy of this order be given to learned counsel for the parties under the signatures of Special Secretary attached to this Bench.

(ARVIND SINGH SANGWAN)
JUDGE

15.11.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No