

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.154 of 2017
Date of decision:14.02.2017

Parveen

....Petitioner

v.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. M. S. Rana, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana for the State.

S.S.SARON,J.

Learned counsel for the State has filed short reply by way of affidavit of Shri Daya Nand, Superintendent, District Jail, Rohtak along with Annexures R-1 and R-2. The same are taken on record.

Heard learned counsel for the parties.

The petitioner is undergoing life imprisonment after his conviction by the learned Additional Sessions Judge, Rohtak on 28.05.2015 for the offences punishable under Sections 302 etc. of the Indian Penal Code; besides, Section 25 of the Arms Act. CRA No.D-1129-DB of 2015 titled Parveen v. State of Haryana is pending in this Court. According to the petitioner, he has undergone more than five years and eleven months of total actual imprisonment, out of which, 4½ years is as an under-trial prisoner and about 1½ years after conviction.

The mother of the petitioner addressed an application to the Superintendent District Jail, Rohtak through registered post on 04.01.2017 for grant of parole to the petitioner to make arrangements and attend the marriage of his real elder brother.

According to the petitioner, his parents were not keeping good health and the arrangements were to be made by the petitioner. The date of marriage of the brother of the petitioner has been fixed for 16.02.2017.

The mother of the petitioner did not receive any intimation regarding the application, which she had given. Therefore, the petitioner filed CRWP No.110 of 2017, which was disposed of on 31.01.2017 (Annexure P-3) with the direction to the respondents to consider and dispose of the application submitted by the mother of the petitioner as expeditiously as possible and preferably before the solemnization of the marriage of the elder brother of the petitioner.

In fact the application of the mother of the petitioner had already been declined by the Superintendent, District Jail, Rohtak on 23.01.2017 (Annexure P-4). However, according to the petitioner, intimation in this regard was received by the mother of the petitioner on 01.02.2017. The reason for declining the application of the petitioner for temporary release on parole was that the petitioner was found in possession of a mobile phone while undergoing his sentence of imprisonment. Case FIR No.141 of 2014 was registered against the petitioner at Police Station Shivaji Colony, Rohtak for the offence under Section 42 of the Prisons Act, 1894 in respect of the recovery of a mobile phone from him. According to the Superintendent, District Jail, Rohtak, the petitioner, therefore, fell in the category of 'hardcore prisoner' as per Section 2 (aa) (iv) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013. The petitioner in the said circumstances it is stated did not fulfill the condition for release on parole.

Learned counsel appearing for the respondent has, however, submitted that the petitioner can be taken to attend the marriage of his elder brother under a Police Escort for a period of 48 hours in terms of Section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2014.

Learned counsel appearing for the petitioner submits that he would be satisfied with the same.

Accordingly, the writ petition is disposed of and the Superintendent, District Jail, Rohtak (respondent No.2) shall arrange a Police Escort for taking the petitioner for the marriage of the petitioner's elder brother for 48 hours in terms of Section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2014.

(S.S. SARON)
JUDGE

14.02.2017
A.Kaundal

(DARSHAN SINGH)
JUDGE

Note:

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| 1. Whether the order is speaking/reasoned: | Yes |
| 2. Whether the order is reportable : | No |