

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.429 of 2017
Date of decision:25.04.2017

AmitPetitioner

v.

State of Haryana and othersRespondents

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

Present: Mr. Ashok K. Sharma Bhana, Advocate for the petitioner.
Mr. Surinder Singh Pannu, DAG, Haryana

S.S.Saron,J.

The criminal writ petition has been filed by the petitioner Amit for grant of parole to him for a period of one week under Section 3 (1) (a) and (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('Act' - for short) so as to attend and help in the marriage of his cousin sister, which is fixed for 29.04.2017.

The petitioner has been convicted by the learned Additional Sessions Judge, Jind on 19.07.2014 for the offences punishable under Sections 363/34, 366-A/34 and 376-D/34 as also Section 506/34 of the Indian Penal Code ('IPC' - for short) and Sections 6 and 14 (3) of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' - for short). He has been sentenced to undergo rigorous imprisonment for seven years; besides, pay a fine of Rs.2000/- and in default in payment thereof undergo rigorous imprisonment for fifteen days for the offence under Section 363/34

IPC. He has also been sentenced to undergo rigorous imprisonment

for seven years; besides, pay a fine of Rs.5000/- and in default in payment thereof undergo rigorous imprisonment for one month for the offence under Section 366-A/34 IPC. He has also been sentenced to undergo rigorous imprisonment for twenty years; besides, pay a fine of Rs.10,000/- and in default in payment thereof undergo rigorous imprisonment for two months for the offence under Section 376-D/34 IPC. He has been sentenced to undergo rigorous imprisonment for life; besides, pay a fine of Rs.15000/- and in default in payment thereof undergo rigorous imprisonment for three months for the offences under Sections 6 and 14 (3) of the POCSO Act. He has also been sentenced to undergo rigorous imprisonment for two years; besides, pay a fine of Rs.1000/- and in default thereof undergo rigorous imprisonment for one week for the offence under Section 506/34 IPC. All the sentences have been ordered to run concurrently. CRA No.D-1414-DB of 2014 filed by the petitioner is pending in this Court.

According to the petitioner the marriage of his cousin sister is fixed for 29.04.2017 and his presence is required. It is also stated that the petitioner requested the Superintendent of Jail, Yamuna Nagar, District Yamuna Nagar (respondent No.2) and submitted an application for grant of parole to him but the same has neither been declined nor decided.

Mr. Surinder Singh Pannu, DAG, Haryana in the pre-lunch session was asked to verify the status of the application that was said to be pending with the Superintendent Jail at Yamuna Nagar. He submits that he has been instructed to state that the petitioner was transferred from District Jail, Yamuna Nagar to District Jail, Jind

on 13.04.2017 and he has not submitted any application seeking temporary release on parole either before the Superintendent Jail at Yamuna Nagar (respondent No.2) or before the Superintendent Jail at Jind. Even otherwise, it is not stated as to how the cousin sister of the petitioner whose marriage is to be solemnized, is related to him.

From the vernacular of the marriage card, it appears that he is one of the brothers' of Sonia, whose marriage is to be solemnized. However, the card also shows that there are as many as ten other brothers; besides, six uncles and others. Therefore, it cannot be said that there is no one else to perform and help in the celebrations of the marriage of the cousin sister of the petitioner, which is to be solemnized.

Even otherwise, the provisions of Section 3 (1) (b) of the Act provides for temporary release of prisoners for the marriage of the prisoner himself, his son, daughter, grandson, grand-daughter, brother, sister, sister's son or daughter is to be celebrated. Besides, clause (d) of Section 3 (1) of the Act provides for temporary release of a prisoner if it is desirable to do so for any other 'sufficient cause'. For the purpose of 'sufficient cause', Rule 8 of the Haryana Good Conduct (Temporary Release) Rules 2007 ('Rules' – for short) provides that 'sufficient cause' under Section 3 (1) (d) of the Act may be considered from amongst the reasons enumerated in Clauses (i) to (iv). Clause (iv) of Rule 8 of the Rules provides for marriage of prisoner's brother's son or daughter is to be celebrated in case his brother is not alive. There is no specific provision under the Act and the Rules for temporary release of prisoners in case the

marriage of the cousin sister of the prisoner is to be celebrated. Besides, the relationship of the cousin sister whose marriage is to be celebrated is not mentioned. Moreover, there are many other brothers and uncles as mentioned in the wedding card that has been placed on record who can help and perform the marriage.

In the circumstances, there is no merit in the petition and the same is accordingly dismissed.

(S.S. SARON)
JUDGE

25.04.2017
A.Kaundal/amit

(DARSHAN SINGH)
JUDGE

Note:

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| 1. Whether the order is speaking/reasoned: | Yes |
| 2. Whether the order is reportable : | Yes |