

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

**CWP-27363-2018 (O&M)
Date of decision : 10.12.2018**

Major Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

By way of amended petition, petitioner has sought parole for six weeks on two grounds. One is renovation of the house and second for preparation of the marriage of his daughter-Gagandeep Kaur.

Heard.

It comes out that petitioner was convicted under section 323, 324, 302 read with Section 34 of the Indian Penal Code vide judgment of conviction dated 3.4.2018 and order of sentence dated 6.4.2018 passed by learned Additional Sessions Judge, Karnal. Earlier parole application filed by the petitioner was declined by Commissioner, Karnal Division, Karnal vide its order dated 24.9.2018 (Annexure P-4) on the ground that peace of the village can be disturbed.

State in its reply has taken the stand that petitioner has not completed one year of sentence after conviction and has not earned his first year good conduct report, therefore he is not eligible for parole.

Learned counsel for the petitioner does not press the parole on the ground of house repair but pressing his prayer on the ground of marriage of his daughter-Gagandeep Kaur, which is to be fixed after the release of the petitioner. He further contends that vide order dated 1.11.2018 passed by this Court, petitioner was granted parole to attend the engagement ceremony of his daughter under the police security. It is contended that now the marriage of the daughter of the petitioner is to be fixed. Therefore, he needs emergency parole.

Learned counsel for the petitioner relies upon a judgment of Division Bench of this Court titled as '*Surajmal versus State of Haryana and ors*', 2016 (4) RCR (Criminal) 488 and Single Bench judgment of this Court titled as '*Rajesh versus State of Haryana*', 2018 (1) RCR (Criminal) 140 wherein this Court has held that in case of emergency, Rules will not override Section 3(1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

I am of the view that marriage of the daughter is an emergency in the family, therefore, petitioner is required to be released on parole to make preparations and arrangement of the marriage of his daughter. Accordingly, present petition is allowed and the petitioner is ordered to be released on parole for three weeks to make preparations and arrangement for solemnizing the marriage of his daughter on furnishing adequate surety to the satisfaction of the District Magistrate concerned.

After the expiry of three weeks, petitioner is directed to surrender before the concerned jail. It is also made clear that no extension on whatsoever grounds shall be granted to the petitioner.

Allowed to the above noted extent.

(KULDIP SINGH)
JUDGE

10.12.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No