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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 14:52
I attest to the accuracy and
authenticity of this document

CWP-29874-2018 (O/M)
Date of decision : 27.11.2018

Kulwinder Singh alias Sona Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. C.S. Rana, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard. Petitioner seeks issuance of writ in the nature of mandamus for directing respondents to release him on emergency parole for two weeks to attend marriage of his uncle's son (his nephew), which has been fixed for 28.11.2018, under Section 3 (1) (d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. He has also challenged order dated 24.11.2018 (Annexure-P-4), passed by Superintendent of Jail, District Jail, Faridkot (respondent No. 4), vide which request for emergency parole for two weeks was declined.

In terms of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, a prisoner is entitled to parole for maximum four weeks under Section 3 (1) (b) for marriage of his son or daughter. There is no provision in said Act for releasing a prisoner on parole on account of marriage of his cousin/nephew.

The learned counsel for petitioner has tried to bring down this case under the provisions of Section 3 (1) (d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, where it is desirable so to do for any other sufficient cause. This clause is to be read with other clauses wherein specific provision for release on temporary parole has been made.

Therefore, this clause cannot be read to mean that marriage of cousin is also included in said Section 3 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. It being so, there is no illegality or infirmity in order. Petition is thus dismissed.

(KULDIP SINGH)
JUDGE

27.11.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No