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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30212-2018 (O&M)
Date of decision : 3.12.2018

Devender Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ravinder Banger, Advocate for the petitioner.

Mr. Nischal Mann, DAG, 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)

Petitioner seeks quashing of the speaking order dated 22.11.2018 (Annexure P-1), passed by Superintendent of Prison, District Prison, Yamunanagar, vide which request of the petitioner for four weeks parole to attend the marriage of real brother which is fixed for 6.12.2018 was declined.

Heard.

Short reply by way of affidavit of Rajender Singh, Deputy Superintendent of Prison, District Prison, Yamunanagar, on behalf of respondents No. 1 to 5 filed in Court today is taken on record.

The aforesaid reply as well as the impugned order dated 22.11.2018 (Annexure P-1) show that petitioner is undergoing life imprisonment in a murder case in case FIR No.148 dated 28.6.2013, under Sections 148, 149, 302 and 120-B of the Indian Penal Code registered at P.S. Ishrana, District Panipat and his parole has been declined on two

grounds; *firstly*, he was indulging in fight inside the prison premises during his confinement for which an FIR No. 759/2018 under Sections 323/324 of the Indian Penal Code was registered at Police Station Sadar Karnal, District Karnal and *secondly*, a mobile phone was found in his possession and he has been termed as a hard core prisoner. Vide order dated 8.7.2018 passed by Superintendent, District Prison, Karnal, he was punished for separate confinement and stoppage of Canteen & PICS facilities for three months. The order was duly appraised by the learned District and Sessions Judge, Karnal vide order dated 10.7.2018.

State has taken the stand that as per *para 630* of the Punjab Jail Manual, parole case of the petitioner cannot be initiated after one year from the date of judgment.

Learned counsel for the petitioner requests that marriage of the real brother of the petitioner is fixed for 6.12.2018 and if it is possible, his alternative prayer to attend the marriage of the brother of the petitioner may be considered.

It being so, alternative plea of the petitioner is allowed while the impugned order dated 22.11.2018 (Annexure P-1) passed by Superintendent of Prison, District Prison, Yamunanagar is upheld. Jail authorities are directed to take the petitioner on 6.12.2018 to Village Chhatera, Tehsil Gohana, District Sonapat. at 10.00 A.M. To attend the marriage of his brother under proper security and bring him back at 5.00 P.M. Expenses for the conveyance and the security shall be paid by the petitioner.

Disposed of as above.

Copy of this order be given to learned counsel for the petitioner as well State counsel for compliance under the signatures of the Bench Secretary.

(KULDIP SINGH)
JUDGE

3.12.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No