

CWP No.3424 of 2018

[1]

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

**CWP No.3424 of 2018
Date of decision:20.02.2018**

Kuldeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for pre-mature release to attend the marriage of his son Mohit, which is scheduled to held on 21.02.2018.

The petitioner was sentenced for life imprisonment in case FIR No.56 dated 20.04.2007, registered at Police Station Baroda, District Sonapat for having committed the offence under Section 302 IPC. Crl. Appeal No.498-DB of 2009 filed by the petitioner against the order of his conviction and sentence was dismissed by this Court on 25.02.2014. By way of present petition, the petitioner applied for parole under Section 3(1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as the "Act") to attend the marriage of his son. However, father of the petitioner submitted an application in this regard on 09.02.2018 to the Superintendent, District Jail, Rohtak along with a copy of the invitation card of the marriage and also the report of the Gram Panchayat, Rukhi dated 08.02.2018, in which Sarpanch of the Gram Panchayat has testified about the

marriage of the son of the petitioner which is scheduled to be held on 21.02.2018 but since the respondents refused to receive the said application from the father of the petitioner, therefore, the present petition has been filed.

After notice, the respondents have filed reply, in which it is averred that there is no case pending against the petitioner as he had been acquitted in all the cases registered against him in the past. The petitioner has suffered actual sentence of 8 years and 1 month as on the date when the reply was filed. It is also averred in the reply that the petitioner had earlier applied for parole for agricultural purposes and his application was recommended by the Deputy Commissioner but the Divisional Commissioner sought clarification that the petitioner may not involve in the Jat Reservation agitation, therefore, the said application was kept on hold. It is also averred that since the petitioner's application for grant of parole for agricultural purpose is still pending, therefore, the other application for grant of parole for attending the marriage of the son of the petitioner cannot be accepted.

Learned counsel for the petitioner has submitted that the application for grant of parole for agricultural purposes is to be decided by the respondents, on which the petitioner does not have any control and this cannot be made a ground for rejecting his application for grant of parole for attending the marriage of his son, which is an altogether different reason for seeking parole.

Learned State counsel has also argued that the petitioner falls in the category of "hardcore prisoner" but after going through the definition of "hardcore prisoner", I have found that the offence committed by the petitioner under Section 302 IPC would not fall within the definition of "hardcore

prisoner”.

Be that as it may, the reason given by the respondents for denying parole to the petitioner that his earlier application for grant of parole for agricultural purposes is pending cannot be accepted because the petitioner has now applied for parole to attend the marriage of his son, for which there is no denial on the part of the respondents that the said marriage is not being solemnized and the petitioner has set up a false case.

Accordingly, keeping in view the aforesaid facts and circumstances especially the fact that the petitioner, in the past, had been granted parole and surrendered in time, the present writ petition is hereby allowed and the Superintendent, District Jail, Rohtak is directed to release the petitioner on parole immediately, for one week, enabling him to attend the marriage of his son, which is scheduled to be held on 21.02.2018, after taking adequate sureties etc., in accordance with law.

Copy of the order be given dasti.

February 20, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No