

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.4716 of 2018
Date of Decision: 07.03.2018

Jagdeep Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.S.S. Rana, Advocate,
for the petitioner.

Mr.Ayush Sarna, AAG, Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is the husband of Sarabjit Kaur, who is convicted and sentenced by the Additional Sessions Judge, Ludhiana in a case registered vide FIR No.74 dated 5.11.1998 under Sections 302, 304-B, 34 of the IPC and Section 498-A of the IPC at P.S. Sudhar, District Ludhiana vide his order dated 5.3.2005 for life imprisonment and fine of ₹10,000/- and in default of payment she was sentenced to further undergo Rigorous Imprisonment for 2 years more. The Criminal appeal filed by Sarabjit Kaur bearing CRA No.333-DB-2005 was dismissed on 31.08.2006. She was also charged under FIR No.12 dated 10.1.2015 and sentenced to Rigorous Imprisonment for 6 months which was set off against her undertrial period. She has already undergone sentence of 19 years 3 months allegedly with the remissions of more than 27 years. The petitioner got married to Sarabjit Kaur on 18.6.2017 while she was undergoing the sentence and at present she is pregnant. She has been granted parole for 6 weeks on 18.1.2018 and had

to surrender back to the Jail on 02.03.2018. Before she could have surrendered before the jail authorities after completion of the period of parole her husband i.e. the petitioner has filed this petition for seeking extension of parole w.e.f. 2.3.2018 onwards on the ground that his wife Sarabjit Kaur is in family way and is expected to deliver child on 24.3.2018. He has thus prayed that she may be allowed further parole for 8 weeks at the present in terms of the provisions of Section 3(1)(cc) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. In this case, by order dated 1.3.2018, the parole already granted to Sarabjit Kaur was extended till today. The respondents filed reply today in Court in which factum of her being pregnant and the estimated date of delivery on 24.3.2018 is not denied.

After hearing learned counsel for the parties and taking into consideration the facts and circumstances, much less the fact that the convict Sarabjit Kaur is entitled to parole on account of delivery of child in terms of Section 3(1)(cc) and 3(2)(c) of the Act, the parole already granted to her on 18.1.2018 is hereby extended for another 8 weeks to enable her to deliver the child as the expected date of delivery even by the respondents is 24.3.2018. The extension of parole is granted on the bail bonds already submitted by Sarabjit Kaur. It is made clear that the period of 8 weeks would start from today and after completion of the said parole Sarabjit Kaur shall surrender to the jail authorities for suffering the remaining sentence.

Copy *dasti*.

07.03.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No