

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

**CWP No. 6333 of 2018
Date of Decision: 20.3.2018**

Paramjit @ Pammi

.....Petitioner

v.

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 seeking parole of two weeks for performing the marriage of her sister's daughter.

The petitioner was tried in a case registered vide FIR No. 213 dated 1.8.2013, under Section 15 of the NDPS Act, Police Station Sadar, Nakodar, District Jalandhar, and was convicted and sentenced to undergo rigorous imprisonment for ten years and to pay fine of Rs. One lakh and in default of payment of fine, to further undergo rigorous imprisonment for one year, by the learned trial Judge, Special Court, Jalandhar on 13.12.2016.

It is alleged that the petitioner had already undergone about three years of actual sentence including the under trial period. It is further alleged that the real sister of the petitioner namely; Manjit Kaur was married to Sucha Ram resident of Village Lakhpur, Police Station Banga, District SBS Nagar. She had expired on 15.6.2009. The daughter of her sister namely; Pinky was residing with her. The marriage of Pinky/her niece (bhanji) is fixed for 25.3.2018 with Sunny son of Karnail Singh resident of Village Pasla, District Jalandhar. The petitioner has, thus, prayed that she may be released on parole under Section 3 (1)(b) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act').

Notice in the petition was issued. Learned State counsel has

submitted that due to paucity of time, reply could not be filed but it has been verified that the aforesaid marriage of Pinky with Sunny is fixed for 25.3.2018. However, it is submitted that the petitioner has already availed the benefit of parole for six weeks started from 16.1.2018 to 28.2.2018 and therefore, in view of Section 3(2-A) of the Act, the petitioner cannot be allowed parole second time in the same quarter. Section 3 (2-A) of the Act read as under :-

“The total period of temporary release of the prisoner, excluding the temporary release availed of on the death of a family member of the prisoner and the temporary release availed of by a female prisoner on account of delivery of child, shall not exceed twelve weeks during a calender year and shall be be availed of on quarterly basis”

Learned counsel for the petitioner, however, submits that since her sister Manjit Kaur has expired, therefore, there is no one to perform the marriage of her niece (bhanji).

I have heard learned counsel for the petitioner and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that no case for parole is made out even while invoking Section 3 (1) (b) and (d) of the Act in view of the bar provided under Section 3(2-A) of the Act because the petitioner has already availed the benefit of parole in a quarter i.e. from 16.1.2018 to 28.2.2018 and now can seek parole only in the second quarter and not in the same quarter. Thus, I do not find any merit in this writ petition.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

20.3.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No