

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CWP No.8952 of 2018
Date of Decision: 11.04.2018

Surjeet Singh

...Petitioner(s)

Versus

State of Haryana & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Abhishek Singla, Advocate
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Petitioner, who is a life convict and is presently confined in District Jail, Karnal, has filed the present petition under Article 226/227 of the Constitution of India for issuance of appropriate writ especially in the nature of *mandamus* directing the respondents to grant emergency parole to the petitioner enabling him to attend the Bhog Ceremony/Akhand Path on account of death of his sister Mohinder Kaur, who is stated to have died on 04.04.2018.

Learned counsel for the petitioner submits that the petitioner is real brother of the deceased and is required to perform certain rituals. He further submits that no doubt, earlier the petitioner was released on parole on 20.11.2017 and was to surrender on 12.12.2017, however, he

surrendered on 23.12.2017 instead of 12.12.2017, as he suffered brain stroke and paralysis on 11.12.2017 and was admitted in Sanjeev Bansal Cygnus Hospital, Karnal from 11.12.2017 to 20.12.2017 for treatment. On his recovery, the petitioner immediately surrendered before jail authorities on 23.12.2017 at his own.

On the other hand, learned State counsel has filed reply by way of affidavit of Sher Singh, Superintendent of Prison, District Prison, Karnal, on behalf of respondents no.1 and 2 and submits that on earlier occasion, the petitioner was released on three weeks parole but he surrendered after a delay of 11 days and thus, the petitioner remained absconded during this period, for which, FIR under Sections 8/9 of the Parole Act was registered against him and therefore, he is not entitled for emergency parole. However, learned State counsel is fair enough to admit the fact that sister of the petitioner namely Mohinder Kaur has expired on 03.04.2018 and not on 04.04.2018 and Bhog Ceremony/Akhand Path is fixed from 13.04.2018 to 15.04.2018 at Gurudwara Singh Sabha, Village Gobindgarh, Karnal.

I have heard learned counsel for the parties.

It is not in dispute that the petitioner is real brother of Mohinder Kaur, who has expired on 03.04.2018. Considering the fact that the petitioner is required to attend the Bhog Ceremony/Akhand Path of his sister, emergency parole is granted to him from 13.04.2018 to 15.04.2018, subject to furnishing of heavy surety to the satisfaction of CJM/Duty Magistrate, Karnal.

Petitioner shall surrender before the jail authorities on
15.04.2018 before 5-00 p.m.

The petition is disposed of.

April 11, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No