

126

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

CWP No.3514 of 2019

Date of decision: 08.02.2019

Ajay Kumar

....Petitioner

Vs.

State of Haryana and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

**Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.**

HARINDER SINGH SIDHU, J.

Notice of motion.

Mr. Arjan Singh Yadav, AAG, who is present in the Court today, accepts notice on behalf of the respondents.

Considering the nature of the prayer of the petitioner, this petition is being disposed of without calling for a reply from the respondents.

The petitioner has been convicted under Section 379-B IPC and sentenced to undergo rigorous imprisonment for 10 years. The petitioner applied and was granted parole for 15 days w.e.f. 24.01.2019 to 07.02.2019 for the repair of his house. During this period the marriage of his sister was fixed for 10.02.2019. The petitioner accordingly submitted application dated 30.01.2019 (Annexure P-3) to the Superintendent Jail, Sirsa seeking extension of parole for a period of one week to enable him to attend the marriage of his sister. However, no order has been passed thereon.

On expiry of his parole he surrendered before Jail Authorities on 07.02.2019. Before his surrender he had filed the present petition on 05.02.2019 praying that his parole be extended in order to enable him to attend the marriage of his sister. The petition has been listed today.

Ordinarily there can be no extension once the parole period has expired and the convict has surrendered as it would be a case of fresh consideration. However considering that the petitioner had applied for extension during the currency of his parole period and also filed the present petition before the expiry of that period and his surrender back in prison and the purpose and limited period for which the extension is sought it is deemed expedient to accept the prayer of the petitioner.

Accordingly, this petition is allowed. The petitioner be released on parole for a period of three days (09.02.2019 to 12.02.2019) on his furnishing necessary bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. He would surrender before the Superintendent Jail, Sirsa on or before 5:00 p.m. on 12.02.2019

A copy of this order be supplied to counsel for the petitioner under the signatures of the Special Secretary of the Bench.

February 08, 2019
gian

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: Yes/No