

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3903-2019(O&M)

Date of decision: 28.02.2019

Daanish

.. Petitioner

vs.

The State of Haryana and ors.

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Hoshiar Singh Jaswal, Advocate
for the petitioner.

Mr. Sandeep Vashisht, Dy. A.G., Haryana

Harinder Singh Sidhu, J.

By filing the present petition, the petitioner has prayed to release him on parole for attending the marriage of his sister, which is to be solemnized on 3.3.2019 in District Shamli (UP) (invitation card annexed as Annexure P-3).

The petitioner has been convicted in a case under Sections 460, 396, 202 and 120-B IPC alongwith four other accused and sentenced to undergo life imprisonment besides fine. His appeal is pending in this Court.

Learned counsel for the petitioner states that an application dated 2.2.2019 seeking parole to enable him to attend the marriage of his sister has been filed, however no order thereon has been passed.

Hence, the present petition.

It is not disputed that on account of the offence for which the petitioner has been convicted, he falls within the category of 'hardcore prisoner' as defined in the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012 (in short 'the Act, 2012').

Learned counsel for the petitioner has referred to Section 5A of the Act, 2012, as per which a hardcore prisoner may be allowed to attend

the marriage of his child, grand child, sibling etc. under the armed police escort for a period of forty eight hours. The said provision is reproduced under:-

“5A Special Provisions for hardcore prisoners. Notwithstanding anything contained in sections 3 and 4, a hardcore prisoner shall not be released on temporary basis or on furlough:

Provided that a hardcore prisoner may be allowed to attend the marriage of his child, grand child or sibling; or death of his grand parent, parent, grand parent in-laws, parent-in-laws, sibling, spouse or child, under the armed police escort, for a period of forty eight hours to be decided by the concerned Superintendent Jail and intimation in this regard with full particulars of hardcore prisoner being released, shall be sent to the concerned District Magistrate and Superintendent of Police within twenty four hours.”

In view of the aforesaid provision, the present petition is allowed. The petitioner is allowed to attend the marriage of his sister under armed police escort for a period of forty eight hours. The Superintendent, District Jail Karnal may make necessary arrangements for taking the petitioner under armed police escort to the place of marriage of his sister and his return to the jail. The Superintendent, District Jail Karnal would also intimate the Senior Superintendent of Police, Shamli about the dates and time when the petitioner would be taken to attend the marriage of his sister.

It is made clear that the petitioner shall be in the care and custody of police escort guard for the entire duration of forty eight hours till his return to the District Jail, Karnal.

Supply copy under the signatures of Spl.Secretary of Bench.

(Harinder Singh Sidhu)

Judge

28.02.2019
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Whether speaking/reasoned
Whether Reportable:

Yes
Yes/No