

466 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4190-2019 (O&M)

Date of decision: 20.02.2019

Sanjay

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Nitish Yadav, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This petition is for seeking four weeks parole in order to enable the petitioner to attend the marriage of his niece-Jyoti, scheduled to be held on 21.02.2019.

It is submitted by learned counsel for the petitioner that the above said Jyoti is the daughter of the sister of the present petitioner (Mossi daughter's daughter). The Mossi of the petitioner is not having any son, therefore, the petitioner would be required to perform certain ceremonies during this marriage. It is further contended that since the marriage is fixed for 21.02.2019 only, therefore, instead of four weeks, even the period of parole can be restricted to one week. However, it would be in the interest of justice, if the petitioner is released for a short duration, to discharge his social obligations.

The State has filed reply verifying the fact of marriage of the above said Jyoti. In the reply, it is submitted that although the marriage of the above said Jyoti is fixed for 21.02.2019, however, the petitioner is not the real maternal uncle of the above said Jyoti. Therefore, he would not be required for performance of any ceremonies during the marriage.

As reply to this, learned counsel for the petitioner has submitted that since the above said Jyoti does not have any real maternal uncle and the petitioner is the nearest relative of Jyoti, who could perform the ceremonies as maternal uncle, therefore, the petitioner deserves to be released on parole for a short duration, to perform the ceremonies.

Although, it is not disputed that the petitioner herein is not the real maternal uncle of the girl, who is getting married, namely, Jyoti. However, since the petitioner is direct and nearest relation of the girl-Jyoti as maternal uncle, therefore, it would not be unjustified if the petitioner is released for a short duration to perform the ceremonies, as required from maternal uncle, as per the social traditions.

In view of the above, the present petition is partly allowed. It is ordered that the petitioner be released on parole for a short duration of one week; so as to attend the marriage ceremonies of the girl, namely, Jyoti, as mentioned in the petition. Needless to say that, the petitioner shall surrender before the Jail Authorities on expiry of 7th day from the date of release.

(RAJBIR SEHRAWAT)
JUDGE

20.02.2019

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No