

CWP-5030-2019

[1]

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

**CWP No.5030 of 2019 (O&M)
Date of decision: March 05, 2019**

Manga Ram

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Akshay Rana, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

The petitioner has filed the present petition seeking directions for his release on emergency parole to enable him to attend the marriage of his son – Gurpreet, which is fixed for 10.03.2019 and to perform other rites and rituals in connection with the same.

The petitioner has been convicted and sentenced to undergo imprisonment for ten years in FIR No.51 dated 13.5.2014 under Section 21 of the NDPS Act, registered at Police Station Sadar Nawashahr, District SBS Nagar. His appeal bearing Criminal Appeal No.2850-SB of 2015 is pending before this Court.

The petitioner had submitted an application on 19.2.2019 to the respondents for grant of emergency parole to enable him to attend the marriage of his son, which is fixed for 10.3.2019. As no decision was taken on the

application, the instant petition has been filed.

Notice of motion was issued. In response thereto, learned State counsel on instructions states that the factum of the marriage of the son of the petitioner having been fixed for 10.03.2019 has been verified. However, learned State counsel has opposed the petition on the ground that the petitioner is a habitual offender and has been convicted in a number of cases. Some cases are still pending against him.

As stated in the petition, the petitioner was released on interim bail for 6 days on 10.7.2015 and thereafter on 25.10.2017 he was again released on interim bail for 7 days. Further, on 13.7.2018 he was again released on interim bail for 5 days under the directions of this Court. Reference has been made to the orders of this Court dated 9.7.2015, 28.6.2018 and 10.7.2018 passed in CRM-20036-2015 in CRA-S-2850-SB-2015, CRM-21978-2018 in CRA-S-1266-SB-2017 and CRM-23093-2018 in CRA-S-2850-SB-2015, respectively, whereby, he had been allowed interim bails for different limited periods. It is argued that during his temporary release the petitioner neither absconded nor committed any offence. He surrendered on time after expiry of the period of interim release.

Neither the fact of solemnization of marriage of the son of the petitioner is denied, nor it is alleged that he ever violated the orders allowing his interim release.

Considering the above, there appears no ground to deny the petitioner the concession of parole to enable him to attend the marriage of his son.

Ordinarily, such a case for grant of parole would have been disposed of with a direction to the respondents to consider the case of the petitioner expeditiously.

However, considering the urgency of the situation and that the

marriage of the son of the petitioner is fixed for 10.03.2019, it is directed that the petitioner be released on parole for five days i.e. from 07.03.2019 to 12.03.2019 subject to his furnishing surety bonds to the satisfaction of the CJM/Duty Magistrate concerned. He shall surrender before the Jail Authorities on or before 5.00 PM on 12.03.2019.

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

March 05, 2019

(HARINDER SINGH SIDHU)

JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No