

CWP-5921-2019

[1]

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

**CWP No.5921 of 2019 (O&M)
Date of decision: March 07, 2019**

Manoj

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

HARINDER SINGH SIDHU, J.

The petitioner has filed the present petition to release him on emergency parole for ten days to enable him to attend the marriage of his niece – Shikha (daughter of sister), which is fixed for 10.3.2019 and to perform other rites and rituals in connection with the same, being maternal uncle of the bride.

The petitioner has been sentenced to undergo life imprisonment in FIR No.115 dated 28.5.2006, under Sections 302, etc. IPC and Section 27 of the Arms Act, registered at Police Station Julana, District Jind.

The petitioner had submitted an application on 19.2.2019 to the Superintendent, District Jail, Rohtak – respondent No.3 for grant of emergency parole to enable him to attend the marriage of his niece, which is fixed for 10.3.2019. It is alleged that the said application of the petitioner has not been recommended by respondent No.3.

Notice of motion was issued. In response thereto, learned State counsel

has placed on record a short reply by way of affidavit of Deputy Superintendent, District Jail Rohtak, wherein it is stated that the petitioner has already availed parole for 15 days from 01.02.2019 to 17.02.2019 to attend the marriage of his sister's daughter vide order dated 25.01.2019 of the Commissioner, Rohtak Division, Rohtak and no further parole can be granted. The factum of marriage of niece of the petitioner was verified from the Station House Officer, Police Station Arya Nagar, Rohtak, who has reported that marriage of daughter of sister of the petitioner is fixed for 10.3.2019 and to be solemnised at Vazirpur, New Delhi.

As per Section 3(2)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner may be released on parole to attend the marriage of his sister's son/daughter for a period of four weeks. The petitioner was earlier granted 15 days' parole to attend the marriage of his sister's daughter. There may be no impediment in granting parole to the petitioner for one week to enable him to attend the marriage of another niece (sister's daughter).

In these circumstances, the petition is allowed. It is directed that the petitioner be released on parole for one week commencing from 09.03.2019 to 16.03.2019 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 16.03.2019.

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

March 07, 2019

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

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