

CWP-6110-2019

[1]

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

**CWP No.6110 of 2019(O&M)
Date of decision: March 08, 2019**

Subhash Soni

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Randeep S.Dhull, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

HARINDER SINGH SIDHU, J.

The petitioner has filed the present petition seeking his release on emergency parole for four weeks to enable him to attend the marriage of his daughter - Poonam, which is fixed for 09.03.2019 and to perform other rites and rituals in connection therewith.

Vide judgment and order dated 16/21.10.1998 passed by the Sessions Judge, Bhiwani, the petitioner had been convicted and sentenced to undergo life imprisonment in FIR No.247 dated 20.7.1996 under Sections 302, etc. IPC, registered at Police Station City Bhiwani, District Bhiwani. His appeal against his conviction and sentence was dismissed by this Court vide judgment dated 19.01.2009. He is undergoing sentence at District Jail, Bhiwani.

The petitioner submitted an application on 21.02.2019 to the respondents for grant of emergency parole to enable him to attend the marriage of his daughter, which is fixed for 9.3.2019. 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 has placed on record reply by way of an affidavit of Superintendent, District Bhiwani. It states that the petitioner was released on parole for purpose of admission of child with a direction to surrender on 12.09.2010, but he absconded. Thereafter, he was arrested on 03.01.2013 after having absconded for 02 years 03 months and 21 days. In the reply, details regarding parole/furlough to the petitioner after his re-arrest in 2013 have also been given. He was granted 04 weeks parole from 01.12.2016 to 30.12.2016 for house repair. In 2017, he was again allowed parole for 04 weeks from 05.07.2017 to 03.08.2017 and in 2018, he was allowed furlough for 02 weeks from 18.04.2018 and 03.05.2018. On all these occasions, the petitioner surrendered on time after availing the parole/furlough period. The fact regarding the marriage of the daughter of the petitioner having been fixed on 09.03.2019 has been verified through Station House Officer, Police Station City Bhiwani vide his report dated 07.03.2019 (Anneuxre mark-1).

The marriage card of the daughter of the petitioner is annexed with the petition as Annexure P-2.

Considering the above, it a fit case for grant of parole to enable the petitioner to attend the marriage of his daughter.

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 daughter of the petitioner is fixed for 9.3.2019, this petition is

allowed. It is directed that the petitioner be released on parole for two weeks i.e. from 08.03.2019 to 22.03.2019 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 22.03.2019.

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

March 08, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No