

CWP-6196-2019

[1]

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

**CWP No.6196 of 2019 (O&M)
Date of decision: March 08, 2019**

Rajender

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Nishant Raj Ghangas, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed for extension of parole of the petitioner for one week to enable him to attend the marriage of his niece - Poonam, which is fixed for 8.3.2019 and to perform other rites and rituals in connection with the same, being the maternal uncle of the bride.

The petitioner has been convicted and sentenced to undergo life imprisonment in case FIR No.83 dated 1.4.2004 under Sections 460/34 IPC and Section 25 of the Arms Act, Police Station Central Bureau, Panipat. He has also been convicted and sentenced to undergo rigorous imprisonment for seven years in case FIR No.138 dated 9.5.2004 under Sections 395/397 IPC, Police Station Model Town, Panipat.

He was released on parole for 15 days (20.02.2019 to 06.03.2019) vide order dated 25.1.2019 passed by the Divisional Commissioner, Karnal, Division Karnal for admission of his children in the school. During this period the marriage

of the niece of the petitioner has been fixed for 8.3.2019. The petitioner requested the authorities to extend his parole by one week, but his request was not entertained. Hence he filed the petition.

Meanwhile on the expiry of his parole the petitioner has already surrendered before the Jail Authorities on 07.03.2019.

Learned counsel for the petitioner states that the presence of the petitioner is essential at the time of marriage of sister's daughter to perform the '*Bhat*' ceremony. He further states that the only other brother of the petitioner is also in jail. The petitioner had surrendered on time on expiry of parole period. There is no complaint or allegation that he misused the concession of parole.

Notice of motion was issued. In response thereto, learned State counsel has placed on record a short reply by way of an affidavit of Sher Singh, Superintendent of Prison, District Prison, Karnal. It is stated therein that the petitioner was granted fifteen days parole for admission of children and he has surrendered on 07.03.2019. The fact of marriage of niece of the petitioner having been fixed on 08.03.2019 (today) has not been denied. It is stated that it has been verified through Station House Officer, Police Station Model Town, Panipat.

Ordinarily once the petitioner has surrendered on expiry of the parole period there could be no extension of parole. The petitioner would be required to apply afresh. But considering the fact that this petition had been filed before the expiry of the parole period, and in view of the fact that the marriage of the niece of the petitioner is fixed for 8.3.2019 and the ceremonies connected therewith may continue even thereafter this petition is allowed. It is directed that the petitioner be released on parole for six days i.e. from 08.03.2019 to 14.03.2019 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 14.03.2019.

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