

CWP-9520-2019 (O&M)

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

**CWP-9520-2019 (O&M)
Date of decision : 18.04.2019**

Manoj Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Mr. Samarth Sagar, Addl. A.G., Haryana.

AMIT RAWAL, J. (ORAL)

Prayer in the petition is for granting emergency parole to the petitioner for a period of four weeks to enable him to perform/attend the marriage and other function of his younger brother, which is fixed for 23.04.2019 and 27.04.2019.

Learned State Counsel has filed the reply of Sh. Lakhbir Singh, Superintendent, Central Jail, Ambala/respondent No.4, wherein paragraph 3, it has been stated as under:-

"3. That it is submitted that the District Magistrate, Faridabad has recommended the release of the petitioner on parole and forwarded the report to the Competent Authority i.e. the Divisional Commissioner Ambala Division, vide his office letter No.2028/PB dated 17.04.2019. It is further submitted that before deciding the application of the petitioner the

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Divisional Commissioner, Ambala Division, has sought the permission from the Election Commission through the Additional Chief Secretary, Government of Haryana, vide his office letter No.1831 dated 17.04.2019 (Annexed as Annexure R-1) in compliance of the directions of the Election Commission of India, received through the Director General of Prisons, Haryana, vide letter Endst. No.13499-544/DG Jail/2019/G-1 dated 05.04.2019, in view of Model Code of Conduct for the forthcoming Parliament Elections 2019."

From the perusal of the aforesaid paragraph, it is crystal clear that the District Magistrate, Faridabad, recommended the release of the petitioner on parole to the Divisional Commissioner, Ambala Division, but owing to the Code of Conduct for the forthcoming Parliament Elections 2019, requested the Divisional Commissioner, to seek permission from the Election Commission.

Keeping in view the aforementioned facts, I am of the view that the petitioner deserves the concession of emergency parole. Accordingly, the petitioner be released on parole for a period of four weeks, subject to furnishing the surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, Ambala and the petitioner shall surrender in concerned Jail, on 16.05.2019 at 10.00 A.M.

CWP stands disposed of.

18.04.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**