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

CWP No.10182 of 2019

Date of Decision: 12.04.2019

SUBEDEEN

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

[1]. Earlier CWP No.9035 of 2019 titled '*Subedeen vs. State of Haryana and others*' was filed in this Court and the same was disposed of vide order dated 09.04.2019 by passing the following order:-

Heard.

Present petition has been filed under Article 226 of the Constitution of India read with Section 3(1) (B) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for release of the petitioner on emergency parole for four weeks to attend the marriage of his sister namely Subina Bano which is fixed for 14.4.2019.

Reply by way of affidavit of Jai Kishan Chillar, Superintendent, District Jail, Gurugram filed in Court today is taken on record. It comes out that Sher Mohammad-father of the petitioner has moved an application dated 23.3.2019 before the Deputy Superintendent of Jail, Bhondasi (Gurugram). Petitioner

is undergoing two years imprisonment after his conviction in MACT case.

Since the jail authorities has not passed any speaking order, present petition is disposed of with a direction to Superintendent, District Jail, Gurugram to pass the speaking order on the application dated 23.3.2019, filed by Sher Mohammad-father of the petitioner within two days from the date of receipt of certified copy of this order.

Disposed of.”

[2]. Learned counsel for the petitioner submitted that in pursuance of the aforesaid order, the Superintendent District Jail, Gurugram was to pass a speaking order on the application dated 23.03.2019 filed by Sher Mohammad i.e. father of the petitioner within 2 days from the date of receipt of certified copy of the order. The needful has not been done by respondent No.3 despite receipt of certified copy of the order.

[3]. Notice of motion.

[4]. On asking of the Court, Mr. R.T. Redhu, D.A.G., Haryana accepts notice on behalf of the respondents.

[5]. In view of nature of prayer made in the present petition, it would be appropriate to direct the District Magistrate, Nuh at Mewat (though not impleaded in this writ petition) to ascertain the factum of marriage of sister of the petitioner on 14.04.2019 and in case the marriage is found to be fixed on 14.04.2019, the petitioner be released on parol for one week subject to his/her satisfaction. The petitioner would abide by the conditions

imposed by the Competent Authority for his release on parole.

[6]. The District Magistrate, Nuh at Mewat would also be at liberty to ascertain the factum of service of certified copy of order dated 09.04.2019 upon respondent No.3. If the assertion made by the petitioner in this context is found to be incorrect, then the indulgence for release of the petitioner be not given.

[7]. With the aforesaid directions, the present writ petition is disposed.

April 12, 2019

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No