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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18260-2019 (O&M)
Date of decision : 8.7.2019

Pardeep Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Heard.

Petitioner has earlier filed CWP-17027-2019 for four weeks of parole on account of his own marriage under Section 3(1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the Act') which is fixed for 9.7.2019. In the said petition after obtaining reply, petition was disposed of on 1.7.2019 by passing a speaking order which is reproduced below: -

“Learned counsel for the petitioner has informed that petitioner has adopted the daughter of his brother and earlier parole was on that ground. In any way, the calendar year 2019 has already expired in March 2019 and now fresh calendar year has started.

Learned State counsel contends that authorities have not taken the decision in the matter.

As such, present petition is disposed of with the direction to the State to take fresh decision on the application moved by the mother of the petitioner dated 19.6.2019 (Annexure P-1) within a period of three days.

Petition is disposed of accordingly.”

In pursuance to the said order, the Commissioner, Karnal Division, Karnal vide order dated 4.7.2019 declined the parole to the petitioner. The said parole has been challenged by way of present petition.

Reply filed by the State earlier is already on record and is considered as well.

Heard learned counsel for the parties and have carefully gone through the case file.

Present petition has been filed on the ground that the calender year is from the month of January to December 2019. Petitioner has already availed 15 days parole from 24.2.2019 to 12.3.2019 for admission of adopted daughter of his brother as per Section 3(1) (d) of the Act). Petitioner can get parole only once. In the early reply, State has taken the stand that petitioner has already availed 15 days parole out of 28 days under Section 3(1) (d) of the Act and is now eligible for 13 days parole in this calender year i.e. in 2019.

In view of earlier stand taken by the State, petitioner is entitled to 13 days parole. The marriage of the petitioner is fixed for tomorrow i.e. 9.7.2019. Petitioner has otherwise a fundamental right to marry. Therefore, the order dated 4.7.2019, passed by the Commissioner, Karnal Division, Karnal is set aside and the petitioner is ordered to be released on 13 days parole for the purpose of his own marriage on furnishing adequate surety to the satisfaction of the District Magistrate concerned who can impose adequate conditions to ensure the security of the State and ensure that the petitioner does not abscond.

Petition stands disposed of.

A copy of this order be given *dasti* to both the parties for compliance under the signatures of the Bench Secretary.

(KULDIP SINGH)
JUDGE

8.7.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No