

CWP-18875-2018

[1]

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

**CWP No.18875 of 2018 (O&M)
Date of decision: March 13, 2019**

Ravinder Singh Gill

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Paramjeet Singh Kureel, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the District Magistrate, Ambala dated 14.6.2018 (Annexure P-6), whereby, the application of the petitioner for release on parole for his marriage has been rejected. It has also been prayed that the respondents be directed to release the petitioner on parole.

The petitioner is undergoing rigorous imprisonment for life after conviction in four cases. In three cases, he has been sentenced to undergo rigorous imprisonment for life and in one to undergo R.I for 01 year and 07 months.

The petitioner submitted an application dated 20.04.2018 to the Superintendent, Central Jail, Ambala for grant of parole to solemnise his marriage with Daljeet Kaur d/o Jaswant Singh r/o H.No.2253, Ground Floor, Sector-45-C,

Chandigarh scheduled for 15.05.2018. As no decision was taken thereon by the

concerned Authority, the petitioner filed CWP No.11484 of 2018. That petition was disposed of on May 07, 2018 on a statement of the learned State Counsel that a decision shall be taken at the earliest i.e. before 14.5.2018 (Annexure P-4). However, no communication from the concerned Authority regarding grant of parole was received and consequently, the marriage was postponed.

The petitioner thereafter filed CWP No.14491 of 2018, which was disposed of on 31.05.2018 on the statement of learned State counsel that a decision shall be taken within 10 days (Annexure P-5). Vide order dated 14.6.2018 (Annexure P-6), the application for parole was rejected by District Magistrate, Ambala on the ground that the address of the petitioner for stay during parole was found to be incorrect. The District Magistrate, Chandigarh in his report had stated that during enquiry the address given by the petitioner for his stay during parole was not found to be correct. Hence, the present petition.

Learned counsel for the petitioner has stated that earlier the petitioner was resident of Gill Estate, Kansal, Naya Gaon, Tehsil Kharar, District Mohali, which has been sold out by his mother. The address of Jalvayu Tower, Gurugram which is mentioned in the impugned order was a rented accommodation, where he resided with his wife and children. After the decree of divorce was passed under Section 13-B of the Hindu Marriage Act, 1955 by Additional District Judge, Panchkula on 29.01.2016, the petitioner had no concern with the said house in Gurugram. The petitioner has no permanent residence after his arrest on 30.12.2011. In the divorce proceedings as well, he was produced from the Central Jail, Ambala. In the application for parole, the petitioner submitted that he would stay at H.No.2579(First Floor), Sector-39-C, Chandigarh during his parole. This

was a Government accommodation allotted to one Jagdeep Singh, who is working as Peon in the Irrigation Department, Punjab. The marriage of the petitioner is fixed with a relative of said Jagdeep Singh (*Nanad* of sister of Jagdeep Singh), and he had agreed to help the petitioner in solemnizing his marriage. He had also submitted an affidavit that he would allow the petitioner to use the house for marriage.

Vide order dated 6.12.2018 the State was required to verify from aforesaid Jagdeep Singh as to whether he would keep the petitioner with him during the period of parole. In response, a report from the SHO, Police Station Sector-39, UT Chandigarh was received that said Jagdeep Singh had stated that he does not know the petitioner and has no relation with him.

On 25.2.2019, learned counsel for the petitioner stated that during the period of release on parole, the petitioner intends to stay at H.No.2064, Ground Floor, Sector-45C, Chandigarh where the mother of Daljit Kaur whom the petitioner intends to marry resides on rent. Learned State counsel was requested to verify this fact.

Today, a communication from the office of the Senior Superintendent of Police, UT, Chandigarh has been placed on record. It is intimated that verification has been conducted through SDPO/South, who reported that House No.2064, Ground Floor, Sector-45, Chandigarh is in the possession of Ms.Manjit Kaur w/o late Jaswant Singh as rented accommodation. Ms.Manjit Kaur got recorded her statement that the petitioner will solemnize marriage with her daughter and he will stay with them during his parole period.

In view of the above, the sole ground on the basis of which the

application of the petitioner for temporary release was rejected namely the address furnished by him where he intended to stay during the parole period was found to be incorrect, no longer sustains.

As per Section 3(1)(b) read with 3(2)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, a prisoner, may be released temporarily for four weeks for the marriage of prisoner himself, his son, daughter, grandson, grand-daughter, brother, sister, sister's son or daughter.

Accordingly, this petition is allowed. The impugned order is set aside. The respondents are directed to release the petitioner on parole for a period of four weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of four weeks of his release.

March 13, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No