

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25288 of 2019
Date of Decision:30.09.2019

Sandeep Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Saurabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner has been sentenced to life for murder in Panchkula and has been presently lodged in District Jail, Rohtak. He wants parole to attend wedding/reception of his brother fixed for 04.10.2019. His application dated 20.08.2019 is pending before the District Magistrate, Rohtak, but no decision has been taken. He apprehends that his request will be turned down due to coming into force the Election Code of Conduct.

2. In the written statement filed by the State today in Court, it is revealed that the police authorities have verified that brother of the petitioner is due to be married on Friday i.e. 04.10.2019. The petitioner has availed the benefit of parole almost once every year starting from October, 2011 and has surrendered in time. He was granted parole 5 times for agricultural purposes and twice for house repairs. He has also availed furlough 6 times from 08.12.2012 and 19.06.2018. While availing furlough, he also surrendered in time. It is not the case of the State that

conduct of the petitioner in jail is not good. The police has verified the fact that the wedding of the brother of the petitioner is fixed for 04.10.2019 at Venue Rear side of Neelam Marble, Raipur Rani Road, Matour (Panchkula).

3. Learned counsel for the petitioner cites a decision of this Court in **Hawa Singh Vs. State of Haryana, 2012 (2) R.C.R. (Criminal) 589**, to contend that when Model Electoral Code of Conduct is applicable, Government can grant parole under the relevant provisions of the Act and the Rules and permission of the Chief Electoral Officer for release of a prisoner is not required. Only consultation is to be made before release of a prisoner on parole.

4. Having heard Mr. Dhull and Mr. Mohunta, I find that this case is fit for issuance of an urgent direction to the Commissioner, Rohtak Division, Rohtak to consider the request of the petitioner for temporary release on parole for attending the marriage of his brother and in such a manner that he is available to the family at least by 3.10.2019. In view of the judgment in Hawa Singh's case (supra), the Commissioner would immediately consult the Chief Election Commissioner, Haryana and seek his opinion by E-mail or Whatsapp and pass an order releasing the petitioner on parole, subject to fulfillment of conditions laid down in the Jail Manual and the provisions of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and the rules framed thereunder. It has been pointed out that parole for purpose of attending brother's marriage is permitted under the provisions.

5. With these observations and directions, this petition is disposed of.

6. Copy of this order be given to Mr. Mohunta attested by the

Bench Secretary of this Court, who will further send it electronically to the Jail Superintendent, District Jail, Rohtak to prepare papers for onward transmission to the competent authorities.

(RAJIV NARAIN RAINA)
JUDGE

30.09.2019
monika

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No