IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-26762-2019
Date of Decision:30.09.2019

Balbir Singh ....petitioner

Versus

State of Haryana and others .....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA
Present: Mr.Arav Gupta, Advocate
for the petitioner

Mr.Kapil Bansal, DAG Haryana

****

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has prayed for temporary release on the ground of marriages of son and daughter of his sister fixed for 04.10.2019 and 05.10.2019. Representation dated 11.09.2019 is stated to be rejected by respondent No.4.

2. The petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Sections 302 and 149 IPC, in case FIR No.226 dated 28.11.2013 registered at Police Station, Sadar, Yamuna Nagar. Criminal appeal filed by the petitioner against his conviction is pending in this Court.

3. Though the petitioner had applied for parole and later on changed his mind, the jail authorities declined his request. Learned counsel for the petitioner submits that the petitioner was under the mistaken belief that parole would not be granted due to coming into force the Model Electoral Code of Conduct. The coming into force the Model Electoral Code of Conduct, is not a bar to grant of parole as held by this Court in the case of ***"Hawa Singh vs.State of Haryana", 2012(2) RCR (Criminal) 589.***

4. In compliance of the interim order dated 24.09.2019, an

NEENU VERMA
2019.10.01 10:53
I attest to the accuracy and
integrity of this document

affidavit of Ravi son of the real brother of the petitioner has been filed in which it is submitted that the application for grant of parole was inadvertently withdrawn by the petitioner.

5. Learned counsel submits that petitioner's brother Kashmiri Lal has already been granted parole by this Court in CWP No.26603 of 2019. In these changed circumstances and the petitioner having expressed his eagerness to attend the joint wedding of his nephew and niece on 04th and 05th October, 2019, his case deserves to be considered for parole.

6. In view of the above, the petition stands allowed. The petitioner is granted parole for two weeks at par with the case of his brother-Kashmiri Lal in such manner that both the brothers i.e.Kashmiri Lal and petitioner-Balbir Singh surrender back in jail on the same day. Let such an order be passed in terms of Section 3 (i) (b) of the Haryana Good Conduct Prisoners'(Temporary Release) Act, 1988, with the usual conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

7. A copy of the order attested by Bench Secretary of this Court be given to learned counsel for the petitioner and to Mr.Bansal, learned State counsel.

30.09.2019 **(RAJIV NARAIN RAINA)**
neenu **JUDGE**

Whether speaking/reasoned:- Yes / No
Whether Reportable:- Yes / No.

NEENU VERMA
2019.10.01 10:53
I attest to the accuracy and
integrity of this document