

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

Date of decision: 05.11.2019

CWP No.30741 of 2019

Jatinder Singh @ Sabi @ Mand

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. A.S.Trikha, Advocate, for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner is serving life sentence for murder. He has undergone rigorous imprisonment for 11 years, 05 months and 13 days as per custody certificate dated 05.11.2019 annexed with the written statement filed today in Court, which is taken on record.

2. The petitioner's request for parole to be with his wife at the time of delivery of child has been declined for the reason that in the current year he has already availed authorized 16 weeks parole as per Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and there is no room left for any further parole.

3. As per Mr. Trikha, last time, the petitioner was admitted to the concession of parole from 24.07.2019 to 06.09.2019. Be that as it may, the present request of the petitioner is to be with his wife at the time of delivery, which anticipated fact has been affirmed in the reply filed today that the petitioner's wife is in the family way and is due to deliver a child on or about 24.11.2019. The situation being an emergency, the limit of time fixed

annually would have to be relaxed in the facts and circumstances of this case and justification for doing so.

4. Accordingly, the petition is allowed and the respondents are directed to release the petitioner on emergency parole for two weeks i.e. one week before the expected date of delivery till one week thereafter, to the satisfaction of the District Magistrate concerned, who is further directed to impose such 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 that the temporary release is not misused.

5. Petition stands allowed accordingly.

05.11.2019
Vimal/neenu

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*