

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31474 of 2019

Date of Decision: 05.11.2019

Banta

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Notice was issued to the State duly accepted by Law Officer on 31.10.2019 in this petition praying for grant of parole to the petitioner to attend the wedding celebrations of his sister's daughter on 08.11.2019 followed by marriage of his brother's daughter on 13.11.2019.

2. Reply has been filed by learned Law Officer and the same is retained on record.

3. In paragraph No.2 of the reply, it has been stated that the petitioner has been granted parole for house repairs by the District Magistrate, Sirsa for four weeks i.e. from 20.11.2019 to 17.12.2019. That request for parole for house repairs was submitted on 11.06.2019. The parole period is yet to start.

4. In paragraph No.3, the Superintendent, District Jail, Sirsa

has stated that the petitioner has not submitted any application/documents regarding marriage of his niece with the jail authorities. In case a specific request has not been made to the jail authorities for parole for attending the marriages, normally the Court would have refused the relief but, taking it to be true on the statement of the learned counsel for the petitioner based on information in the petition that two marriages are to take place, the parole already granted for the future period i.e. 20.11.2019 to 17.12.2019 is cancelled by this order and in lieu thereof, the petitioner is granted parole from 07.11.2019 till 04.12.2019.

5. With this modified relief, the petition is allowed. Parole for four weeks is being granted not only for participating in the wedding celebrations but also to carry out house repairs to serve the twin purposes. However, there is no verification by the jail authorities of the factum of the two marriages. In case, it is found untrue, then the petitioner would immediately surrender at the jail gates, failure to do so would entail arrest and return to District Jail, Sirsa.

6. The District Magistrate, Sirsa would pass an order ex-post facto for the purpose of maintenance of record and he may therein refer to this order.

7. In view of the above, the petition is allowed. The petitioner is granted parole for four weeks from 07.11.2019 till 04.12.2019 in lieu of parole period from 20.11.2019 to 17.12.2019 granted by the

Divisional Commissioner, Hisar by order dated 30th October, 2019 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 the temporary release is not misused.

05.11.2019
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(RAJIV NARAIN RAINA)
JUDGE

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