

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Writ Petition No.1234 of 2020

Date of Decision: February 11, 2020

Gurdip Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Ritu Punj, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gurdip Singh has filed this writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.3 for grant of parole for a period of four weeks for the purposes of performing the marriage of his son scheduled to take place on 15.02.2020 at Ratia, District Hisar. Though no application for grant of parole submitted by the petitioner is appended with the petition, however, a copy of the wedding card is annexed as Annexure P-2.

On 06.02.2020, learned State counsel was directed to verify the facts pleaded in the petition and pursuant to the said order, a reply by way of affidavit of Surinder Pal Khanna, PPS-I, Superintendent, Central Jail, Patiala on behalf of respondent Nos.1 to 3 was filed on 10.02.2020, wherein it was mentioned that previously on twelve occasions, the concession of parole was extended to the petitioner and every time he surrendered back in

time except on one occasion he surrendered with slight delay of seven days. It is further mentioned that though the petitioner applied for regular eight weeks parole for the first half of the year, but no such ground as mentioned in the present petition was mentioned therein. The said application was sent for verification report to the Senior Superintendent of Police, Fatehabad, who in response, refused the recommendation on the apprehension that the petitioner may abscond. It has been further narrated in the reply that pursuant to the receipt of the copy of the petition, a communication was sent to the District Magistrate, Fatehabad (Annexure R-5), whereby the information regarding the marriage was sought from him. As per the reply, the said information is awaited and upon receipt of the same, the action will be taken accordingly.

Learned counsel for the petitioner contends that the report of the Senior Superintendent of Police, Fatehabad is contrary to the record of the case and the previous conduct of the petitioner, who always surrendered in time on all the previous occasions when the said concession was extended. Apart from it, he is sincerely serving his sentence pursuant to his conviction and on the previous occasions, the concession of parole was never misused and the present necessity is unavoidable as he is to perform marriage of his son.

Learned State counsel, who is assisted by HC Harjit, states that indeed the marriage of the son of the petitioner is scheduled to take place on 15.02.2020. He submits that Jatinder Sarpanch of Village, namely, Lamb, Police Station, Ratia, District Fatehabad and Balkar Singh Lambardar of the same Village were contacted telephonically to verify the said fact of marriage.

In view of the above, the petition is allowed and it is ordered that the petitioner be released on parole for a period of four weeks, i.e., from 11.02.2020 to 11.03.2020 and he will surrender on 12.03.2020 before 5.00 PM.

A copy of this order be given to learned counsel for the petitioner under the signatures of Bench Secretary of this Court.

February 11, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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