

226

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

**CRWP-2201-2020
Date of Decision: 06.03.2020**

Ranbir Singh @ Dattu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Ripu Daman, AAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

[1]. Through this criminal writ petition filed under Article 226/227 of the Constitution of India read with Section 3, sub-section (1)(b) and(2) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the petitioner prays for issuance of writ in the nature of mandamus directing the respondent/State to grant him emergency parole for a period of four weeks to enable him to attend the marriage of his niece, namely, Kirti, which is to be solemnized on 12.03.2020.

[2]. Reply by way of Affidavit of the Superintendent of Central Jail, Ambala, along with its enclosure Annexure R-1, has been filed on behalf of the State.

[3]. Perusal of the same goes to show that on verification, it has been found that the marriage of the petitioner's sister's daughter, namely, Kirti, is actually fixed for 12th of this month.

[4]. His prayer for emergency parole has been nevertheless opposed on behalf of the State by contending that he is a Hardcore Prisoner, and therefore, not entitled for parole as per Section 5-A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (in short 'the Act').

[5]. Ld. Counsel for the petitioner has relied on the decision of this Court in “**Hemant alias Bunt Vs. State of Haryana and others**”, 2019(4) **PLR 772**, and submitted that the petitioner from the beginning is not a Hardcore Prisoner in terms of Section 2 (aa) of the Act, by virtue of his original conviction which was plainly under Section 302 of the IPC and not in combination of any other offence or specification such as being convicted of murder or as a contract killer etc.

[6]. Para No.6 of the reply on merits while the State has denied that the petitioner is the only Mama of the bride to be and has two more brothers, but at the same time it has also been mentioned therein that the other two brothers themselves are undergoing life imprisonment.

[7]. In such circumstances, this Court is of the view that purely on humanitarian grounds, the petitioner should be released on an emergency parole only for the date of marriage of his niece to enable him to perform the Bhat ceremony, subject to his furnishing two appropriate security bonds by sureties to the satisfaction of the Superintendent, Central Jail, Ambala to ensure his return to the prison for amounts of Rs.2.5 lacs each, subject to the satisfaction of the Superintendent, Central Jail, Ambala, and that even during the period of his emergency parole, there shall be Police Escort to watch over his activity to be provided for by the Police Administration of the concerned Districts.

[8]. In this manner, the petitioner is ordered to be released on emergency parole in the evening of 11th, March, 2020 and would be bound to return back to the Central Jail, Ambala in the forenoon of 13th March, 2020.

[9]. Disposed off.

06.03.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No