

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 9804 of 2020 (O&M)

Date of decision : 27.11.2020

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Rahul @ Shashi Partap

.....Petitioner

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. V.S. Rana, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General,
Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner – Rahul @ Shashi Partap, son of Karambir Singh, aged about 34 years, resident of Lohar Bazar, Jaildar Ki Ghati, Police Station City Bhiwani, District Bhiwani, now confined in Central Jail, Ambala, as a convict in FIR No. 414 dated 6.11.2004, for offences under Sections 302, 120-B, 109, 34 IPC and Arms Act, undergoing life imprisonment, has filed the present criminal writ petition, praying for issuance of directions to Jail Authorities to consider his case for grant of emergency parole, so as to enable him to perform and provide Bhat ceremony in the marriage of his nephew

Jitender Singh Rathore, fixed for 30.11.2020.

This petition is being vehemently contested by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through record and I find that there is no merit in the petition.

Firstly, the genuineness of the petition becomes doubtful in as much as, in the body of the petition it is mentioned that marriage of nephew of the petitioner Jitender Singh Rathore, is fixed for 30.11.2020. He is stated to be paternal Aunt's son of the petitioner, which means that Jitender Singh Rathore is not related to the petitioner as nephew, but his cousin brother. How, the petitioner is claiming that Jitender Singh Rathore is his nephew, has not been explained satisfactorily.

Secondly, as pleaded by the petitioner himself, in para No.2 of the petition, he had been granted six weeks parole on 27.2.2017 with a direction to surrender on 12.4.2017. but he did not do so and had absconded, regarding which a separate FIR had been registered against him. Therefore past conduct of the petitioner also does not help him in making out a case for grant of parole to him.

Thirdly, according to the petitioner, his father has died and there is no able bodied person in the family to perform *Bhat* ceremony except old and ailing mother of the petitioner. May it be so, performance of *Bhat* ceremony is not such, which requires personal attendance of the petitioner at the venue of the marriage.

Therefore, there is little justification for his release on parole for such like reason. I do not find anything wrong with the Jail authorities not accepting request of the petitioner for grant of emergency parole to him, to enable him to perform *Bhat* ceremony.

Therefore, the petition is doomed for failure and is dismissed accordingly.

27.11.2020
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(H.S. Madaan)
Judge

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