

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

CRWP-10305-2020 (O&M)

DATE OF DECISION:-11.12.2020

**SANJEEV KUMAR**

**...PETITIONER...**

**V.**

**STATE OF HARYANA AND OTHERS**

**...RESPONDENTS...**

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH  
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Jasvinder Singh Saini, Advocate for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

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**SANT PARKASH, J.**

*(The aforesaid presence is being recorded through video conferencing  
since the proceedings are being conducted in virtual court)*

**CRM-W-1218-2020**

Present application is for exemption from filing the original power of attorney on behalf of the present applicant and taking on record the photocopy of the same.

Application is allowed as prayed for.

**Main case**

Prayer in this petition, *inter alia*, is for quashing the impugned order dated 07.12.2020 (Annexure P-2) passed by respondent No.2, whereby, the request of the petitioner for release on emergency parole for 14 days on account of death of his father has been rejected.

The petitioner was tried in FIR No.497, dated 28.09.2016,

under Sections 15, 27-A and 29 of the NDPS Act, 1985, Police Station Pehowa, District Kurukshetra for possessing commercial quantity of intoxicant substance and accordingly, he has been convicted and sentenced for 10 years rigorous imprisonment vide judgment of conviction and order of sentence dated 13.03.2020 and 16.03.2020 respectively. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the application for temporary release of the petitioner on parole has been declined on the ground that the petitioner has not completed one year of sentence after conviction.

He further submits that the father of the petitioner had expired on 07.12.2020 and there is no other male member in the family, to perform last rites and rituals of his revered father, as both brothers i.e. present petitioner and his brother, namely, Bhupinder Singh are behind bars.

Learned State counsel has filed custody certificate of the petitioner. The same is taken on record.

Learned State counsel has admitted the facts regarding death of father of the petitioner. However, he has submitted that the petitioner has been convicted for having in his possession commercial quantity of the contraband and the petitioner has not completed one year of imprisonment after conviction. He, thus, prayed for dismissal of instant petition.

Heard the arguments of learned counsel for the parties and

have also perused the documents available on the file.

Admittedly, the father of the petitioner died on 07.12.2020 and the petitioner being the elder son is to perform certain ceremonies after death. Moreover, his younger brother is also behind the bars. The petitioner is the resident of Police Station Ismailbad, which is not far away from District Jail Karnal, where he has been lodged.

In view of the above, the present petition is disposed of with a direction to respondent No.2-Superintendent of District Jail Karnal, District Karnal to take the petitioner in police custody for performing last rites of his father to be held on 19.12.2020 at the expenses of the petitioner. He will be taken out from the jail premises on 19.12.2020 at 10:00 a.m. and shall be relodged at 5.00 p.m. same day.

A copy of this order be supplied to learned State counsel and be also sent to respondent No.2- Superintendent of District Jail Karnal, District Karnal for ensuring requisite compliance.

**(JASWANT SINGH)**  
**JUDGE**

**(SANT PARKASH)**  
**JUDGE**

11.12.2020

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**whether speaking/reasoned:**  
**whether reportable:**

**Yes/No**  
**Yes/No**