

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

CRWP-10436-2020

DATE OF DECISION:-14.12.2020

BHUPINDER SINGH

...PETITIONER...

V.

STATE OF HARYANA AND OTHERS

...RESPONDENTS...

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

Present: Mr. Satnam Singh Gill, Advocate and
Ms. Manjot Kaur, Advocate,
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana.

SANT PARKASH, J.

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

Prayer in this petition, *inter alia*, is for quashing the speaking order dated 07.12.2020 (Annexure P-1) passed by respondent No.3, whereby, the request of the petitioner for release on emergency parole to attend the last rites 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 15 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, Sanjeev Kumar 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 younger son is to perform certain

ceremonies after death. Moreover, his elder brother is also behind the bars. The petitioner is the resident of Police Station Ismailabad, 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.3-Jail Superintendent, 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. His brother has already been granted the similar concession vide order dated 11.12.2020 passed in CRWP No.10305 of 2020. 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. 3-Jail Superintendent, District Jail Karnal, District Karnal for ensuring requisite compliance.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

14.12.2020

sonika

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No