

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

CRWP-2087-2021 (O&M)
Date of decision: 09.03.2021

Kuldeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.K. Lathwal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This criminal writ petition under Article 226/227 of the Constitution of India has been filed by petitioner Kuldeep son of Daya Singh, presently confined in District Jail, Jhajjar, seeking quashing of order dated 16.02.2021, passed by Superintendent of Prison, District Jail, Jhajjar, declining emergency parole for a period of 04 weeks to him to perform Bhat ceremony of his niece on 15.03.2021.

Inter alia, in the petition, it is contended that the petitioner has been convicted in a criminal case bearing FIR No.292 dated 07.10.2015, under Sections 376 and 452 IPC, registered at Police Station Baroda, District Sonapat and sentenced to undergo rigorous imprisonment for 10 years under Section 376 IPC and to pay a fine of Rs.15,000/- etc., and in default of payment of fine, to further undergo

rigorous imprisonment for 01 year and 06 months, vide judgment of conviction and sentence dated 19.03.2020; the petitioner is undergoing sentence in District Jail, Jhajjar; the appeal against his judgment of conviction and sentence is pending in the High Court; that the marriage of Manju, niece of the petitioner (sister's daughter) is fixed for 15.03.2021 near Bus Stand, Jaisinghpura, Karnal and no person is available to perform Bhat ceremony, as such, presence of the petitioner being maternal uncle of the prospective bride is required to perform Bhat ceremony on 15.03.2021.

He had applied to the concerned authority of District Jail, Jhajjar for grant of parole for the said purpose but his petition was rejected for the reason that he has not completed one year of imprisonment after his conviction. Therefore, he has filed the present petition.

Notice of the petition has been given to the State, who has filed the reply.

I have heard learned counsel for the parties besides going through the record.

Keeping in view the fact that the petitioner has been convicted for an offence under Section 376 IPC and undergoing imprisonment in the jail, I am not inclined to set aside the order or grant emergency parole to the petitioner. However, in the interest of justice, the petitioner can be sent to the venue of the marriage in custody.

Learned counsel for the petitioner states that order in that regard may be passed.

Accordingly, the present petition is disposed of directing respondent No.5-Superintendent, District Jail, Jhajjar to make necessary arrangement to take petitioner Kuldeep to the venue of the marriage i.e. near Bus Stand, Jaisingpura, Karnal on 15.03.2021 at 9.30 AM and allow him to remain there till 05.00 PM and then to bring him back to the jail. Adequate security arrangement be made to ensure that the petitioner does not escape and he does not get attacked by any rival group/person. The petitioner shall have to bear the expenses of travelling/transportation. A copy of this order be sent to Superintendent, District Jail, Jhajjar for compliance.

09.03.2021

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(H.S. MADAAN)
JUDGE

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