

115.

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

CRWP-2398-2021

Date of decision: 12.03.2021.

HARJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashish Pannu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. and Sections 3(1)(b), (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, is for grant of parole of 8 weeks on account of marriage of the son of the petitioner. Prayer has also been made for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 26.02.2021 (Annexure P-1) whereby the Superintendent, District Jail, Sangrur has rejected the prayer of the petitioner for grant of parole.

Counsel for the petitioner submits that the petitioner was convicted by the learned Special Court, Fatehgarh Sahib and sentenced to undergo R.I. for 10 years in case FIR No.169 dated 04.12.2009 under Sections 22 of NDPS Act, Police Station Bassi Pathana, District Fatehgarh Sahib. Against the judgment of conviction, his appeal i.e. CRA-S-1217-SB-

2016 is pending admitted before this Court. The petitioner was released on parole from District Jail, Nabha in March, 2020 and on account of Covid-19 pandemic, the parole was extended. On account of FIR No.50 dated 28.05.2020 under Sections 323, 341, 506, 148, 149 of IPC, Police Station Badali Ala Singh, District Fatehgarh Sahib registered against the petitioner, the parole granted to the petitioner was cancelled. The petitioner could not surrender before the jail authority due to serious medical condition of his mother, who was admitted in hospital. Now, he has surrendered before the police on 12.02.2021 and was sent to the District Jail, Nabha and he has further been transferred to District Jail, Sangrur. Counsel further submits that after filing of the present petition, the petitioner has further been transferred to the District Jail, Patiala. The marriage of the son of the petitioner is fixed for 19.03.2021 (jago and sangeet) and 20.03.2021 (for marriage ceremony). He moved an application for grant of parole. However, the same was rejected by the Superintendent, District Jail, Sangrur on the ground that there is no provision in Punjab Government under Amendment Parole Rules, 2017 for grant of parole on the ground of child marriage.

Learned State counsel, on instruction from ASI Avtar Singh, has not disputed the marriage of the son of the petitioner which is fixed for 19/20.03.2021.

I have heard learned counsel for the parties.

There is no dispute about the marriage of the son of the petitioner. The petitioner being father certainly requires to perform certain ceremonies. Accordingly, when there is no dispute of marriage of the son of the petitioner, the petitioner is granted parole for 2 weeks so as to attend and

perform the marriage ceremonies, subject to his furnishing heavy surety/bail bonds to the satisfaction of the jail authorities. However, on completion of the aforesaid period, the petitioner shall surrender to the jail authorities.

Accordingly, the present petition is allowed.

(HARI PAL VERMA)
JUDGE

12.03.2021
sanjeev

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