

VIKRAM

... PETITIONER

VS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Ms. Veena Hooda, Advocate for the petitioner.
Mr. Raman Kumar Sharma, Additional Advocate
General, Haryana.

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JITENDRA CHAUHAN , J. (ORAL)

The matter has been taken up through video conferencing in the light of the pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Article 226 of the Constitution of India is for grant of two weeks parole in lieu of the marriage of the younger sister of the petitioner which is fixed for 25.4.2021.

Status report dated 22.4.2021 on behalf of the respondents has been circulated by the learned State counsel in the Court today through E-mail and the same is taken on record. Copy thereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner refers to the marriage card (**Annexure P-3**) to contend that marriage of the younger sister of the petitioner is scheduled to be held on 25.4.2021.

Learned State counsel opposes the prayer made by the petitioner and submits that the petitioner is a hardcore prisoner and therefore, there is every likelihood of breach of peace and law and order situation, in case he is released on parole.

Heard.

Admittedly, the marriage of younger sister of the petitioner is

scheduled to be held on 25.4.2021. His presence is necessary in the marriage ceremony to perform the necessary rituals.

In Chand Singh Versus State of Punjab 1996 (3) RCR Criminal 230, this Court had observed as under:-

“It is the duty of the District Magistrate and the Superintendent of Police to maintain law and order in the area. If there is an apprehension for breach of peace, it is the duty of the police and the District Magistrate to look into the matter and give protection to the people who are expecting such danger from, the release of the accused on parole. The law laid down is that no body can be released if his release is detrimental to the security or integrity of the country. The mere allegation that there is apprehension of breach of peace is no criteria on the basis of which the Inspector General of Prisons can refuse the release of the petitioner on temporary parole for a specified period as laid down in the section.”

The apprehension of the State that there may be law and order problem and danger to the security of the State, in the event of the petitioner being released on parole, is misconceived and there is no cogent evidence to substantiate the same.

Considering the above, the present petition is allowed and the petitioner is granted one week's parole, subject to his furnishing indemnity bond in the sum of Rs.50,000/- with two local sureties of the like amount to the satisfaction of the competent authority/Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

23.4.2021
Janki

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