

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

CRWP-7404-2021

DATE OF DECISION:-13.08.2021

MOHIT

...PETITIONER...

V.

STATE OF HARYANA AND OTHERS

...RESPONDENTS...

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

Present: Mr. Prateek Rathee, Advocate,
for the petitioner.

Mr. Vivek Saini, 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 under Article 226 of the Constitution of India is for issuance of directions to respondents No.2 and 3 to release the petitioner on parole for a period of 04 weeks to solemnize his marriage, which is fixed for 18.08.2021.

The petitioner was tried in FIR No.665, dated 15.10.2016, under Sections 302, 34 IPC and Section 25 of the Arms Act, 1959, Police Station Sector 10, Gurugram, and accordingly, he has been convicted and sentenced to undergo imprisonment for life vide judgment of conviction and order of sentence dated 06.01.2018.

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 earlier also the marriage of the petitioner was fixed on 21.04.2021 and for this purpose, he filed a petition bearing CRWP-2896-2021, before this Court but the same was dismissed as withdrawn with liberty to file appropriate application before the jail authorities on 20.04.2021 (Annexure P-1) as he was not on bail and had been in custody in a case FIR No.43-2018, registered at Police Station Baba Haridass Nagar, New Delhi, under Sections 302, 34, 120B IPC and Sections 25/27 of the Arms Act. Now, the petitioner has been granted interim bail in the aforesaid case for a period of 90 days by Id. Additional Sessions Judge-02, Dwarka Courts, New Delhi vide order 24.06.2021 (Annexure P-2). Upon this, the mother of the petitioner moved an application to the Superintendent, District Jail, Gurugram for grant of parole to the petitioner to perform his marriage, which is fixed for 18.08.2021 (copies of the local Municipal Councilor certificate and marriage invitations are annexed herewith as Annexures P-4 to P-6), but till date no reply has been received. Hence, the present petition.

Today, learned State counsel has filed reply by way of affidavit of Harinder Singh, Superintendent, District Jail, Gurugram on behalf of respondents No.1 to 3 stating therein that the petitioner is involved in 04 more case, in which, he has been convicted in one case, facing trial in one another pending case of murder, in which, he has been granted interim bail for 90 days and acquitted in two cases and opposes the prayer made on behalf of the petitioner. However,

he has not disputed the fact that marriage of the petitioner is fixed for 18.08.2021.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

Keeping in view the fact that the marriage of the petitioner is fixed for 18.08.2021 and there is no other responsible person in the family to make the arrangements as father of the petitioner is also in jail, the present petition is disposed of with a direction to respondent No.3-Superintendent, District Jail, Bhondsi Gurugram, Haryana to release the petitioner on parole w.e.f. 16.08.2021 to 22.08.2021 to perform his own marriage, which is fixed for 18.08.2021, subject to his furnishing requisite bail bonds with two heavy local sureties to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

The petitioner is directed to surrender before the Jail authorities on 23.08.2021 at 10:00 a.m. positively.

A copy of this order be supplied to learned State counsel and be also sent to respondent No. 3- Superintendent, District Jail, Bhondsi Gurugram, Haryana for ensuring requisite compliance.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

13.08.2021

sonika

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No