

IN THE HIGH COURT OF PUJAB & HARYANA AT CHANDIGARH.

CRWP-10162-2021

Date of Decision:-28.10.2021

Naveen Kumar.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Randeep Singh Dhull, Advocate for the Petitioner.

Mr. Rajat Gautam, DAG Haryana.

THROUGH VIDEO CONFERENCING

ANOOP CHITKARA, J.(ORAL)

FIR No.	Dated	Police Station	Sections
183	04.10.2010	Sahlawas, Jhajjar	392, 397, 302 and 120-B IPC and Sections 25/54/59 of Arms Act

Criminal Case No. before trial Court	Session Case RBT 81 of 2011/2013
Criminal Case No. before High Court	CRA-S-4882-SB-2014

1. The petitioner who is undergoing his sentence in the case captioned above, has come up before this Court under Article 226 of the Constitution of India for grant of parole.

2. Vide accompanied annexure, the convict had made a written request to the concerned Jail Superintendent for release on parole. However, the convict did not get any response.

3. Feeling aggrieved, he has filed the instant writ petition on the grounds that marriage of the petitioner's son is fixed for 14th November, 2021. He is the only Mama of the bridegroom and as per Hindu customs he has important religious roles to perform. Learned Counsel for the petitioner has also placed on

record the wedding card to corroborate his averment.

4. Although the petitioner is not entitled to get parole under the parole rules, the aura of Article 21 of the Constitution of India would remove any such restrictions if the facts and circumstances justify such parole. A prisoner cannot be deprived of attending a significantly important family event because the family members and the immediate relatives, apart from friends and the neighbors, usually take care of the family members of a person under incarceration. The prisoner also longs for their cooperation, support, and even financial help. In return, such persons would also expect the prisoner to reciprocate by attending their sacrosanct family functions, fully aware that such presence is fraught with the risk of social boycott or dejection.

5. Given above, the petition is allowed and the petitioner shall be release on parole for fourteen days, subject to furnishing requisite bonds to the satisfaction of the concerned authorities.

6. The parole is subject to the condition that the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority during the release period and shall not repeat or commit any offence; and the violation might not entitle the similar reliefs in future.

Petition allowed.

(ANOOP CHITKARA)
JUDGE

October 28, 2021
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>