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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10567-2021

DECIDED ON: 8th NOVEMBER, 2021

MOHD. SHARIF @ SON

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Parunjeet Singh, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J (ORAL)

The prayer in this petition is for grant of parole for the marriage of niece of the petitioner. Earlier the petitioner had approached this Court by way of filing CRWP No. 10433 of 2021, **Mohammad Shrif @ Son vs. State of Punjab and others** for the same cause of action, which was disposed of by this Court by observing, as follows:-

*“In case the petitioner submits a representation/application today or at the most by tomorrow i.e. 02.11.2021 for grant of emergency parole for the purpose as has been stated above, the same shall be considered and a decision taken thereon and conveyed to the petitioner on or before 06.11.2021.
The petition stands disposed of accordingly.”*

In compliance with the above order, on a representation having been submitted to the Deputy Superintendent, Sub Jail, Malerkotla, the same was considered and rejected vide order dated 5th November, 2021 (Annexure P-4). The ground for rejection of the claim of the petitioner is that the petitioner falls under the category of hardcore prisoners' and

therefore, he is not entitled to the benefit as has been claimed under the provisions of statute i.e. The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015.

Learned counsel for the petitioner is unable to substantiate his contention that the case of the petitioner would not fall under the category of hardcore prisoners', as laid down in Section 2 of the above mentioned Act of 2015. Since the claim of the petitioner is not covered by any of the provisions which would entitle him to the benefit of the said claim as put forth by him and he being a hardcore prisoner, we do not find any ground for accepting the challenge to the impugned order passed by the Deputy Superintendent, Sub Jail, Malerkotla.

Learned State counsel has also brought to the notice of this Court that as per the provisions of Section 3(1)(b) of Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 which deals with the temporary release of the prisoners on certain grounds. A prisoner is entitled to the grant of parole in case marriage of the prisoners' son or daughter is to be celebrated. In the present case it is an admitted position that the marriage is that of his niece and therefore, in any case he would not be entitled to the benefit as has been claimed by him.

In the light of the above, we do not find any merit in the present petition and, therefore, dismissed the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

8th NOVEMBER, 2021
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No