

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

101

CRWP-11019-2020

Decided on : 01.01.2021

Rajesh Kumar @ Pamna @ Pawan

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

Present: Mr.B.S.Dhillon, Advocate, for the petitioner.

Mr.R.K.S.Brar, Addl.A.G., Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India read with Section 3(1)(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, is for temporary release of the petitioner on emergency parole for a period of 3 weeks to attend the Rasam Pagri ceremony of his deceased father, who expired on 24.12.2020. The said ceremony is stated to be held on 03.01.2021 and respondent No.4, the Superintendent of Jail, District Jail, Yamuna Nagar is stated not to have entertained the application moved by the petitioner's mother.

It has been averred in the petition that the petitioner was arrested 22.05.2016 in FIR No.168 dated 15.05.2016 under Sections 365, 363, 366-A, 376-D, 506 IPC & Section 6 of POCSO Act, 2012, registered at Police Station Farakpur, District Yamuna Nagar and faced the trial at District Court, Yamuna Nagar at Jagadhari. In pursuance of the said FIR, he has been convicted on 05.09.2017/08.09.2017 and sentenced to undergo imprisonment for various offences and under Section 6 of the POCSO Act, rigorous imprisonment for a period of 20 years. His appeal is pending before this Court and is lying admitted.

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Notice of motion.

Mr.Brar accepts notice on behalf of the respondents and points out that for the cremation ceremony, the petitioner was released for 3 hours on 25.12.2020 by the Jail authorities, as per the averments made in the petition itself.

Accordingly, keeping in view the above and the fact that sufficient time is not available with the State to confirm the antecedents of the petitioner, it would be in the interest of justice that respondent No.4 makes arrangement so that the petitioner is able to attend the Rasam Pagri ceremony of his deceased father which is going to be held on 03.01.2021. The petitioner shall, accordingly, be taken under police escort to the place where the function is going to be held by 10 AM on the said date and will be brought back in the evening to the District Jail, Yamuna Nagar by 5 PM.

Present writ petition is disposed of, accordingly, in the above-said terms.

**(G.S. SANDHAWALIA)
JUDGE**

JANUARY 01, 2021
sailsh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No