

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

239

CRWP-1528-2022

Date of Decision: 22.02.2022

Suresh Kumar @ Tangu

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S.Sekhon, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 15.02.2022 (Annexure P-5), whereby an application moved by petitioner's brother for grant of emergency parole to the petitioner on the ground of marriage of petitioner's brother, which is stated to be solemnized on 28.02.2022, has been declined.
2. Vide order dated 18.02.2022, the State had been directed to verify the assertions made by the petitioner as regards the factum of marriage of his brother.
3. Learned State counsel has not disputed the factum of marriage of petitioner's brother, which is to be solemnized on 28.02.2022, but has otherwise opposed the petition on the ground that the petitioner apart from being convicted in the present case i.e. FIR No.224 dated 17.10.2011 registered at Police Station KUK, District Kurukshetra

(Haryana), stands involved in another case i.e. FIR No.206 dated 07.08.2008 registered at Police Station Sadar Ferozepur, District Ferozepur (Punjab) under Section 18 of the NDPS Act.

4. I have considered rival submissions addressed before this Court.
5. It is apposite to refer to the impugned order dated 15.02.2022 (Annexure P-5) vide which the petitioner's brother has been conveyed that the petitioner's case for his release on emergency parole has been declined.

The relevant extract reads as follows:

“It is inform to your good self that prisoner Suresh @ Tangu son of Sadhu Ram is serving the sentence of life imprisonment in District Jail Yamuna Nagar in relation to case FIR No.224 dated 17.10.2011, under Sections 148, 302, 307, 120-B IPC and Section 25 of the Arms Act, P.S. KUK. Your letter regarding the parole release of said prisoner was received in this office on dated 15.02.2022. The prisoner is eligible for parole under the Parole Act, but the prisoner is involved in a pending case in FIR No.206 of 2008 registered under NDPS Act, P.S. Sadar Ferozepur, the same is pending before the Hon'ble Court situated at District Ferozepur. The prisoner is not on bail in the said case so it is inform to your good self that the prisoner can be released on parole only after the grant of bail to him in case FIR No.206/2008. So at this time, the parole release cannot be considered.”

6. A perusal of the aforesaid order shows that the application for release of the petitioner on the ground of emergency parole has merely been declined on account of fact that the petitioner happens to be in custody in connection with other case registered in the State of Punjab i.e. FIR No.206 dated 07.08.2008. Otherwise, it has been stated categorically in the said order that ‘the petitioner is eligible for parole under the Parole Act’.

7. Since this Court vide separate order of even date passed in CRM-5939-2022 in CRM-M-47129-2021 has ordered for release of the petitioner on interim bail in FIR No.206 dated 07.08.2008, therefore, the impediment against grant of parole on account of the petitioner being in custody in the other case, as has been noticed in the impugned order, would no longer be there.
8. In these circumstances, when the petitioner is otherwise stated to be entitled for parole and the petitioner has been behind bars since the year 2015, when he was convicted, the petition is accepted and the petitioner is ordered to be released on parole upto 07.03.2022 subject to his furnishing bail bonds/surety bonds to the satisfaction of the Duty Magistrate concerned.
9. The petitioner after availing parole would be required to surrender before the Jail Authorities on 08.03.2022.

22.02.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**