IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 3114 of 2022 (O & M)
Date of decision: 11.04.2022

201

Sukhdev Singh ....Petitioner(s)

Versus

State of Punjab and others ....Respondent(s)

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

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

Ms. Monika Jalota, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

In the present petition filed under Articles 226 and 227 of the Constitution of India, the petitioner seeks a writ in the nature of mandamus for grant of parole for a period of 2 weeks for attending the marriage ceremony of his real brother which is scheduled to be solemnised from 15.04.2022 to 17.04.2022.

It has been averred in the petition that on account of the sentence awarded in FIR No. 19 dated 08.02.2019 under Sections 15, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the 1985 Act'), Police Station Sultanpur Lodhi, District Kapurthala, the petitioner has been sentenced for a period of 20 years and is undergoing the same. It has further been averred that he has already undergone actual sentence of 3 years, 1 month and 29 days, as per the custody certificate dated 10.04.2022, filed today, which as taken on record. The marriage card has been attached as Annexure P-2 and the Panchayat Certificate as

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Annexure P-3. The State had been asked to confirm the factum of the marriage and also whether an application had been filed before the competent authority for the grant of the said benefit. Liberty had been granted to the State to decide the necessary representation, in case filed.

In the affidavit filed by the State today, it has been verified that the marriage of the brother of the petitioner has to be solemnized on 17.04.2022 and it has also been mentioned that the petitioner has two other cases registered against him, one under the provisions of the IPC and the second one under the 1985 Act. The affidavit of the Superintendent of the Central Jail, Kapurthala would go on to show that the parole case of the petitioner was recommended and forwarded to the District Magistrate, Moga, which was for a period of 8 weeks to meet family members and had never approached the competent authorities as such for the benefit of the parole for the purpose for which he has approached this Court. Thus, it is clear that he has come directly to this Court.

In the considered opinion of this Court since immediate member of the family namely the brother is to get married, it would be in the interest of justice if the petitioner is allowed to attend the wedding on the 17th of April, 2022 in police custody.

Accordingly, the present petition is partly allowed to the extent that the Jail Superintendent, Kapurthala shall ensure that the petitioner is able to attend the wedding ceremony of his brother on 17.04.2022 under police custody. He shall be taken back to the prison in the evening on the said date. Needless to say the District Magistrate, Moga shall also take the decision on the said prayer for parole, which is

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pending, preferably within a period of 10 days from the date of receipt of certified copy of the order.

(G.S. SANDHAWALIA)
JUDGE

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(VINOD S. BHARDWAJ)
JUDGE

Whether reasoned/speaking Yes/No
Whether reportable Yes/No

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