

CRWP-10234-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10234-2022

Date of decision : 23.11.2022

Iqbal

....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ankur Sheoran, Advocate for
Mr. Shahid Hussain, Advocate, for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for grant of parole to the petitioner to attend the marriage ceremony of his youngest sister which is fixed for 30.11.2022. His prayer for grant of parole has been declined on the ground that the petitioner, till date, has not completed the requisite three years' period of custody for being entitled for consideration of parole.

Learned counsel for the petitioner has placed reliance upon the Section 3 (1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as '1988 Act') to contend that the petitioner would be entitled to the said benefit as it is the marriage of his real sister which factum has not been disputed by the respondents in the reply which has been filed. He, therefore, prays that the petitioner be granted the benefit of parole as he had earlier also availed of the said benefit

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when there was a marriage of his daughter, which writ petition i.e. CRWP No.4395 of 2021, titled as 'Iqbal Vs. State of Haryana and others' was allowed by this Court vide order dated 20.05.2021.

Learned counsel for the State has contended that as the petitioner has not completed the minimum requisite custody period, he would not be entitled to the said benefit.

The said plea of the learned counsel for the State cannot be accepted in the light of the provisions as contained in Section 3 (1) (b) of the 1988 Act which entitles a convict for parole to attend the marriage ceremonies of his/her son, daughter, grandson, grand-daughter, brother, sister, sister's son or daughter. Since the petitioner intends to attend the marriage of his real youngest sister, which is fixed for 30.11.2022, which fact stands acknowledged and has been so attested by the Assistant Sub Inspector of Police Station Bilaspur, District Gurugram (Annexure R-1), the prayer of the petitioner is partly allowed. Petitioner shall be released on 29.11.2022 and shall surrender on 04.12.2022.

Petitioner Iqbal son of Shri Idrish is ordered to be released on parole subject to his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurugram. A red ink note be given on the release order of the petitioner that he shall surrender before the Court on 04.12.2022.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 23rd, 2022
Harish

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No