

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

106

CRWP-12038-2022

Date of Decision: 21.12.2022

SURENDER SINGH @ CHHINDA

....PETITIONER

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Nischal Chetanya Manchanda, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner herein became convicted through a verdict made on 11.03.2022 by the learned Additional Sessions Judge, Kurukshetra. The above made verdict of conviction, was in pursuance to an FIR No. 498 of 06.11.2015 becoming registered against the petitioner. Subsequent to the verdict of conviction (supra) being recorded upon the petitioner, he became sentenced to undergo the substantive sentence of imprisonment extending upto a period of five years. The above order of sentence has been put to execution, inasmuch as, the petitioner is now lodged in District Jail, Kurukshetra.

2. The petitioner herein for his being enabled to attend the marriage of his nephew scheduled on 06.01.2023, at the venue disclosed in the petition, moved an application before the Competent Authority concerned, seeking therein relief for his being admitted to parole. However, the Competent Authority made a declining order

thereon, as, becomes embodied in Annexure P-3.

3. The petitioner becomes aggrieved from the said order and is led to motion this Court.

4. Though, this Court does not deem it fit and appropriate to interfere with the impugned order, as the reason recorded therein for declining relief to the petitioner, is well founded, upon the factum qua the rules concerned, ousting the petitioner from his being admitted to parole, in case the convict-petitioner, does not, post verdict of conviction, and, consequent therewith sentence being imposed, rather spend at least one year in prison. The petitioner un-controvertedly has not satisfied the above condition.

5. Nonetheless, in the larger interest of justice, this Court deems it fit and appropriate to issue directions upon the Superintendent of the jail concerned, and, also upon the Station House Officer of the jurisdictional police station concerned, to ensure that two armed police guards, in plain clothes, are deployed alongwith the convict-petitioner, to the venue of the marriage concerned. The stepping outside the prison of the convict-petitioner shall commence in the evening of 05.01.2023, and, shall last uptill the morning of 12.01.2023. Furthermore, in the morning of 12.01.2023, the armed guards shall ensure that the convict-petitioner is retrieved to the prison concerned.

6. Throughout, the above period, the armed police guards in plain clothes, as deployed alongwith the petitioner for the relevant purpose, shall remain with the petitioner, at the venue concerned.

7. All the expenses towards the transportation of the convict-petitioner besides qua the accompanying him armed guards shall be

borne by the convict-petitioner. In addition, the expenses towards the

board and lodging of the armed guards shall also be borne by the convict-petitioner.

8. At this stage, the learned State counsel makes a submission before this Court that since the venue of the marriage is located in Punjab, therefore, a direction is also required to be made upon the Station House Officer(s) of the jurisdictional police station(s) concerned.

9. Therefore, the jurisdictional Station House Officer(s) of the police station, of the venue concerned, is also directed to ensure that no untoward incident takes places at the venue of the marriage.

10. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

21.12.2022

kavneet singh

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