

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

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CRWP-122-2023 (O&M)

Date of Decision: 17.01.2023

Danveer ...Petitioner

Versus

State of Haryana & others ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lalit Kumar Narang, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 28.12.2022 (Annexure P-4), whereby an application moved by him seeking temporary/emergency parole on the ground of marriage of his sister has been declined.
2. The petitioner was tried in respect of FIR No.194 dated 27.07.2019 registered at Police Station IMT Rohtak, under Sections 20, 29 of the NDPS Act and was convicted vide judgment dated 02.09.2021 passed by the learned Additional Sessions Judge, Rohtak and was imposed sentence of rigorous imprisonment for 10 years apart from fine amounting to Rs.1 lakh.
3. The petitioner challenged the aforesaid judgment by way of filing an appeal before this Court i.e. CRA-S-1205-2021, which is still pending.
4. It is the case of the petitioner that marriage of his real sister is to be solemnized on 25.01.2023 and as such, has prayed for grant of parole.

The Superintendent, District Jail, Rohtak vide impugned order dated 28.12.2022 has declined the application on the ground that the petitioner having been convicted for an offence under the NDPS Act would fall in the category of 'hardcore prisoner' and since he has not completed imprisonment for 5 years, he is not entitled to be considered for grant of parole in terms of Section 6(3)(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022.

5. Pursuant to directions issued by this Court on 09.01.2023, State has filed its reply by way of affidavit of DSP Mohd. Sajid Khan, District Jail, Rohtak, wherein the factum of marriage of petitioner's sister has been verified to be correct. However, the petition has been opposed solely on the ground that the petitioner being 'hardcore prisoner' is not entitled to parole at this stage, when he has not completed imprisonment for 5 years.
6. Learned counsel for the petitioner has submitted that the case of the petitioner is in the nature of parole on 'emergency' grounds on account of marriage of his sister. It has been submitted that although no specific provision has been made for the 'emergency' parole, but petitioner's case may be considered under Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. Learned counsel has referred to certain orders passed by this Court after enactment of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, wherein this Court has either granted parole and/or has ordered the petitioner/s to be released on interim bail though the specific prayer was for grant of

parole. The said orders are as follows:

- (i) CRWP-5228-2022 titled 'Jai Bhagwan Vs. State of Haryana & others' decided on 02.06.2022;
- (ii) CRWP-10596-2022 titled 'Ramesh Kumar @ Bohri Vs. State of Haryana & others' decided on 21.11.2022 (interim order dated 16.11.2022 granting interim bail); &
- (iii) CRWP-4922-2022 titled 'Ashok Kumar Vs. State of Haryana etc.' decided on 02.06.2022.

7. This Court has considered rival submissions.

8. Admittedly, the custody of the petitioner is 3 years, 5 months & 16 days.

The factum of fixation of marriage of petitioner's real sister is also admitted by the State. It has also been informed by the learned State counsel that the petitioner otherwise is not involved in any other case, as is also stated so in the reply. It goes without saying that the presence of a brother would be required at the time of solemnization of marriage of his sister, as he has to perform several ceremonies pertaining to solemnization of marriage.

9. Having regard to the aforestated position particularly the fact that the petitioner enjoys a clean record and has also been behind bars since the last more than 3 years & 5 months, it is ordered that the petitioner be released on interim bail forthwith on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The trial Court would be at liberty to impose any such condition, as deemed appropriate at the time of accepting bail bonds/surety bonds.

- 10. The petitioner after availing interim bail shall surrender before the jail authorities on the morning of 01.02.2023.
- 11. Disposed of accordingly.

17.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

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