

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRWP-165-2023

Date of Decision: January 16, 2023

Bhupinder Verma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohan Singh Chauhan, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Vivek Puri, J.

Status report by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, District Ambala Cantt. and reply by way of affidavit of Neelam, Deputy Superintendent, Central Jail, Ambala have been filed in Court today and the same are taken on record.

The petitioner has assailed the order dated 07.12.2022 passed by the respondent no.3 vide which his application for grant of parole to attend the marriage of his only sister, has been declined on the score that he has not completed one year of sentence after conviction and he is not eligible for regular parole.

Learned counsel for the petitioner contends that the marriage of sister of the petitioner is scheduled to be

held on 25/26.01.2023 and is seeking parole as per the provisions of Section 3(1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

The claim of the petitioner for parole has been resisted on the score that he has not completed one year of sentence after conviction and as such, is not eligible for regular parole as per the provisions of Section 3(3) of the Haryana Good Conduct Prisoners' (Temporary Release) Act, 2022.

Learned counsel for the petitioner has placed reliance upon a Division Bench decision of this Court rendered in **CRWP-10234-2022** titled **Iqbal Vs. State of Haryana and others**, decided on **23.11.2022**, wherein it has been observed as following:-

“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 Bilspur, District Gurugram (Annexure R-1), the prayer of the petitioner is partly allowed.....”

The fact of marriage of the sister of the petitioner scheduled to be held on 25/26.01.2023 has not been disputed. The presence of the petitioner at the time of marriage and prior thereto appears to be essential to make necessary arrangements and performance of essential ceremonies at the time of marriage. As such, the petitioner be released on parole from 21.01.2023 to 27.01.2023 and shall surrender before the jail authorities on 28.01.2023.

In these set of circumstances, present petition is disposed of with a direction that the petitioner is ordered to be released on parole w.e.f. 21.01.2023 to 27.01.2023, on his furnishing bail bonds and surety bonds to the satisfaction of the competent authority. The petitioner shall surrender before the jail authorities on 28.01.2023.

January 16, 2023
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(Vivek Puri)
Judge

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