

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-976-2023

Date of Decision: 14.02.2023

JASVIR SINGH

... Petitioner

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The present Criminal Writ Petition has been under Article 226 of the Constitution of India and Section 3(1) (a) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1988 for issuance of appropriate orders and directions to the respondents for grant of emergency parole for 45 days to enable the petitioner to perform the marriage ceremonies of his daughter namely, Rekha Rani and further enable him to make arrangements for the same which is to scheduled on 18.02.2023 and 19.02.2023.

2. The brief facts of the case are that the petitioner and his co-accused Amrik Singh were convicted and sentenced vide judgment dated 18.01.2017 passed by the Judge Special Court, Sangrur in case FIR No.161 dated 19.09.2013 registered under Sections 15 of NDPS Act at Police Station Bhawanigarh. An appeal bearing No.CRA-S-1083-SB-2017 came to be filed which stands admitted vide order dated 18.03.2017.

3. The petitioner is stated to have six children all of whom are unmarried. The marriage of the elder daughter namely Rekha Rani aged 21

years is scheduled to take place on 18.02.2023 and 19.02.2023. The marriage invitation cards are attached as Annexures P-3 and P-4 to the petition. The factum of marriage and the number of persons in the family of the petitioner have been certified by the Panchayat vide recommendation dated 22.01.2023 (Annexure P-5).

4. Since the petitioner is the father and the only adult male member in the family, he had to arrange funds and complete the marriage related formalities including performing *Kanyadan* and therefore, the concession of emergency parole was sought.

5. The learned counsel for the petitioner contends that since the petitioner was not a hard core criminal as per the provisions of the Clause 2 (aa) of the Punjab Good Conduct Prisoners (Temporary Released) Amendment Act, 2012, the said concession of emergency parole for 45 days could be granted to him.

6. A reply dated 09.02.2023 by way of an affidavit of Manjit Singh Tiwana, PPS, Superintendent, Central Jail, Patiala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner was convicted by the Court of Additional Sessions Judge, Sangrur on 18.01.2017. Pursuant thereto, he was granted the concession of parole from 03.04.2020 to 29.03.2021. During the said period of parole, FIR No.202 dated 17.11.2020 under Sections 22/29 of the NDPS Act came to be registered against him in which the Trial is still pending before the Court of Sub Divisional Magistrate, Samana, District Patiala. Since the petitioner was an under-trial, he was not entitled to the grant of parole since, he also misused the said concession earlier. He, however, fairly

concedes that the marriage ceremonies of the daughter of the petitioner are indeed to take place on 18.02.2023 and 19.02.2023.

7. I have heard the learned counsel for the parties.

8. Admittedly, the petitioner is a convict. He was granted the concession of parole but has misused the same and another case under the NDPS Act stands registered against him. Therefore, the conduct of the petitioner even after he was granted the benefit of parole does not entitle him to the relief as prayed for. However, it is equally true that the marriage of his daughter is to take place on 18.02.2023 and 19.02.2023. His presence in the ceremonies would certainly be essential, he being the father.

9. In view of the above, it would be just and expedient to permit the petitioner to take part in the marriage ceremonies on 17.02.2023, 18.02.2023, 19.02.2023 and 20.02.2023.

10. Therefore, the Jail Superintendent, Central Jail, Patiala is directed to ensure that the petitioner is taken in custody from 09.00 AM to 07.00 PM on 17.02.2023, 18.02.2023, 19.02.2023 and 20.02.2023 at the expense to be incurred by the petitioner.

11. The present petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

14.02.2022

JITESH

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