

101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1043-2023

Date of Decision: 20.02.2023

Deepak

. . . . Petitioner

Vs.

State of Haryana and another

. . . . Respondents

CORAM: HON’BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON’BLE MRS JUSTICE SUKHVINDER KAUR

Present

Ms. Sharmila Sharma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

M.S. RAMACHANDRA RAO, J.

This Writ Petition is filed by the petitioner seeking 4 weeks’ emergency parole on the ground that his real sister is getting married on 24.02.2023.

Admittedly, the petitioner had been convicted and sentenced in FIR No.294 dt.20.08.2020 under Sections 376D, 406, 506, 34 IPC of PS City Sohna, District Gurugram as under:

Section	Sentence	Fine	Sentence, in default of payment of fine
376D IPC	To undergo rigorous imprisonment for a period of 20 years.	Rs.50,000/-	To undergo rigorous imprisonment for a period of one year.
406 IPC	To undergo rigorous imprisonment for a period of two years.	Rs.5,000/-	To undergo rigorous imprisonment for a period of three months.
506 IPC	To undergo rigorous imprisonment for a period of two years.	Rs.5,000/-	To undergo rigorous imprisonment for a period of three months.

Challenging the same, the petitioner had filed Appeal No.CRA-D-64 of 2022.

It is contended that the petitioner's sister is getting married on 24.02.2023 and his presence is necessary for making necessary arrangements for the same, since he is the only brother.

The petitioner had made a representation (P-3) on 19.01.2023 to the Superintendent, District Jail, Gurugram seeking parole for 4 weeks but the same had been rejected on 24.01.2023 on the ground that he had not completed 5 years of his sentence as required under Section 6(3) of the Parole Act. It was however stated that if he submits an application for custody parole for attending marriage of his sister, custody parole would be granted to him as per sub-section (2) of Section 6 of the Parole Act.

Challenging the same, this Writ Petition is filed.

In the reply filed by the State, denial of parole is justified on the ground that he had not completed 5 years of sentence as required under Section 6(3) of the Parole Act. However, the fact that the marriage of the petitioner's sister is fixed for 24.02.2023 is not denied. It is also pleaded that the petitioner falls in the category of 'hardcore prisoner' and reliance is placed on certain decisions of this Court.

We have heard the counsels for the parties.

No doubt the petitioner is a convict who has been convicted of an offence under Sections 376D, 406 and 506 IPC and sentenced to a period of 20 years cumulatively, and he has not completed 5 years of sentence as prescribed under sub-section (3) of Section 6 of the Parole Act.

Since his Appeal is pending in this Court and since the petitioner's sister is getting married on 24.02.2023, we are of the opinion that the petitioner should be granted parole from 21.02.2023 to 25.02.2023 (both

days inclusive), subject to his furnishing bail bonds/surety bonds to the satisfaction of the District Magistrate, Gurugram.

The petitioner shall report back to the District Jail, Gurugram, where he is in custody, on or before 5 p.m. on 25.02.2023.

Disposed of accordingly.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

February 20, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |