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2023:PHHC:109463

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2348-2023

Date of decision :22.08.2023

HARPREET SINGH AULAKH

... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Avinash Mandla, Advocate
for the petitioner(s).

Mr. Dheeraj Jain, Sr. Panel Counsel
for respondent No.1-UoI.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

A short reply dated 19.07.2023 has been filed on behalf of respondent No.1-UoI by the learned counsel for respondent No.1. The same is taken on record.

A reply dated 04.09.2020 by way of an affidavit of Rajiv Kumar Arora, PPS, Superintendent Central Jail, Faridkot has been filed on behalf of respondent No.2-State by the learned counsel for the State. The same is taken on record.

In Harpreet Singh Versus State of Punjab & others, Criminal Appeal No.2084 of 2023 (Arising out of S.L.P. (Crl.) No.7719 of 2023), the following order was passed:-

“Leave granted.

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent-State of Punjab.

We have perused the provisions of the Repatriation of the Prisoners Act, 2003 and a copy of

the Transfer of Sentenced Persons Agreement between the Government of India and the Government of United Kingdom. After having perused the clause (2) of Article 10 thereof, we find that there is a power vesting in Union of India even to grant pardon, amnesty or commutation of sentence in accordance with the laws prevailing in India. We do not see any prohibition on grant of parole to the appellant on valid and lawful grounds.

Parole was sought by the appellant on the ground that his marriage was scheduled to be solemnized on 5th December, 2021. The prayer was rejected by the High Court.

We, therefore, permit the appellant to make a fresh application for grant of parole on the same ground by placing all necessary documents on record.

If such application is made, the first respondent shall consider the same immediately after consulting the Union of India, in the light of what we have observed in this order.

The appeal is accordingly disposed of.”

In view of the aforementioned order of the Hon’ble Supreme Court, the petitioner is at liberty to make a fresh application for the grant of parole on the grounds raised in the present petition by placing on record all the necessary documents and if such application is made, the State of Punjab in consultation with the Union of India shall take an appropriate decision in accordance with law not later than 08 weeks from the date of the receipt of the said application by the appropriate authorities.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

22.08.2023

JITESH

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