

2023:PHHC:124404

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

229

CRWP-8108-2023 (O&M)
Date of decision: 21.09.2023

Azad Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Dr. B.T. Sachdev, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

Mr. Dheeraj Jain, Senior Counsel for Government of India

AMAN CHAUDHARY. J.

1. The present petition has been filed under Article 226 of the Constitution of India praying that the speaking order dated 24.07.2023, Annexure P-2, whereby the prayer of the petitioner for grant of regular parole of eight weeks has been rejected, be quashed, and a direction may kindly be issued to the authorities to release the petitioner from jail temporarily.

2. Learned counsel appearing for respondent No.4 submits that the order rejecting the prayer made by the petitioner passed on 24.07.2023, which can now be reconsidered in light of the decision of the Hon'ble The Supreme Court in Criminal Appeal No.2084 dated 24.07.2023, which reads thus:

“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.”

3. In view of the above, present petition has been rendered infructuous and disposed of accordingly.
4. However, liberty is granted to the petitioner to make fresh application, which shall be decided in terms of the aforesaid decision.

(AMAN CHAUDHARY)
JUDGE

September 21, 2023
M.Kamra

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