

2023:PHHC:115674

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
118 CHANDIGARH

CRWP-8168-2023

Date of Decision: 4th September, 2023

Harpreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Rana, Advocate for the petitioner.
Mr.Sandeep Kumar, DAG, Punjab.
Mr.Dheeraj Jain, Sr. Panel Counsel for UOI.

AVNEESH JHINGAN , J.(Oral)

1. This petition has been filed seeking emergency parole on account of the marriage of the petitioner.

2. Brief facts are that the petitioner was convicted in United Kingdom (UK) in a murder case. Under the bilateral agreement for repatriation of the prisoners , the petitioner was transferred to India and is presently lodged in Central Jail, Kapurthala. The issue with regard to the release of the petitioner was subject matter of SLP (Crl) No. 7719 of 2023 and the order passed by the Supreme Court on 24.7.2023 is reproduced below :-

“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. Learned Counsel for Union of India submits that the State of Punjab has not consulted with regard to the parole of the petitioner.

4. Learned State Counsel on instructions from ASI Iqbal Singh submits that the matter will be forwarded to Union of India for consultation within one week from today and final decision would be taken thereafter within next three weeks.

5. Considering the statement made by learned State Counsel, no further directions are called for.

6. Petition is disposed of.

7. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

**(AVNEESH JHINGAN)
JUDGE**

4th September, 2023

anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No