

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-8730-2023

Date of Decision: September 06, 2023

Harpal Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH.
HON'BLE MR.JUSTICE HARPREET SINGH BRAR.**

Present: Mr. K.S. Brar, Advocate for the petitioner

Mr. Sanjeev Soni, Addl. A.G. Punjab

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Raj Mohan Singh, J. (Oral)

Learned counsel for the petitioner submits that parole was granted to the petitioner for harvesting and carrying out agricultural pursuit. The period of parole shall expire on 08.09.2023.

On 05.09.2023, the following order was passed.

*“Present : Mr. K.S. Brar, Advocate
for the petitioner*

Notice of motion.

*On the asking of the Court, Mr. Sanjeev Soni,
Addl. AG. Punjab accepts notice on behalf of the
respondents and seeks time to verify the flood situation
prevailing in the area of village Ashia Ke, District
Ferozepur.*

Adjourned to 06.09.2023.”

CRWP-8730-2023

-2-

In compliance of the aforesaid order, the police has submitted has submitted a report to the following effect:-

"It is submitted that ASI Shamsheer Singh has identified the prisoner Harpal Singh son of Mukhtiar Singh r/o Mashie Ke, PS : Mallanwala in case FIR No. 43 dated 28.05.2015 u/s 302/323/34 IPC PS: Mallanwala, who is undergoing life imprisonment in the said case. The said prisoner is on parole from 13.07.2023 to 08.09.2023 and he filed appeal before the Hon'ble High Court for extension of two months in his parole.

In this regard, the spot was inspected by visiting the village of Harpal Singh prisoner. Harpal Singh owned land measuring 6 acre inside the dam and 6 acre land has been taken by him on lease and he sown his crops over the same and due to the water came from Satluj river, his entire land came under the said water and the entire crops has been damaged. The flood water has not entered in his house, but the condition of the house is dilapidated. He wants to repair the same. His daughter namely Ramanpreet Kaur passed PET on 27.5.2023, who desirous to go abroad for higher education and Harpal Singh wanted to arrange funds for sending her daughter to abroad.

Report is presented."

Perusal of Section 3 sub Section 2(a) would show that total period of temporary release of the petitioner excluding the release

CRWP-8730-2023**-3-**

availed of can be granted on two eventualities i.e. on the death of a family member of the prisoner or by a female prisoner on account of delivery of child as the case may be and such extension can not exceed 16 weeks during a calendar year and shall be availed on quarterly basis. Third proviso to the aforesaid Section provides for issuance of a special notification in the context of temporary release beyond a period of maximum 16 weeks in case of disaster under the Disaster Management Act, 2005 or epidemics under the Epidemic Disease Act, 1897.

In view of the aforesaid factual position, we deem it appropriate to allow the petitioner to move a representation before the competent authority in the context of extension of temporary release on the issue of disaster created by flood like situation in the area where the crops sown by the petitioner have been damaged and his house has also become dilapidated. Let a representation be filed within a week. On receipt of such a representation, the competent authority shall proceed to decide the same in accordance with law within a further period of one week.

The petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

September 06, 2023