

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

243

CRWP No.9615 of 2023

Date of Decision : 20.11.2023

Birbal

....Petitioner

VERSUS

State of Haryana and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bhwan Vats, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (Oral)

1. This is a petition under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the temporary release of the petitioner on parole under Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 read with Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for a period of 04 weeks for attending the marriage of his daughter, which is fixed for 23.11.2023.

2. On 20.10.2023, notice was issued. Status report by way of an affidavit of Sh. Sudhir Kumar Taneja, HPS, Assistant Commissioner of Police, Mujessar, District Faridabad filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. The

petitioner herein was convicted and sentenced to undergo rigorous imprisonment for 04 years under Section 366 of the Indian Penal Code, 1860 and to pay a fine of Rs.500 and in default of payment of fine to further undergo rigorous imprisonment for 03 months. He was also convicted and sentenced to undergo rigorous imprisonment for 02 years under Section 363 IPC and to pay a fine of Rs.200 and in default of payment of fine to further undergo rigorous imprisonment for 01 month. Thereafter, the appeal filed by the petitioner was dismissed in the year 2004 by this Court. It has further been stated in the status report that the petitioner was absconding from 2004 to 2023. It is only in the year 2023 that he has surrendered.

3. Learned State counsel has pointed out that there is every likelihood that the petitioner may abscond yet again.

4. I have heard learned counsel for the parties.

5. The petitioner is seeking parole under Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 read with Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. The petitioner has not yet completed one year of his sentence and hence is not entitled for grant of parole. Further, the conduct of the petitioner is that he was absconding from 2004 to 2023. This Court does not deem it to be a fit case for grant of parole/interim bail to the petitioner for attending the marriage of his daughter, which is fixed for 23.11.2023. However, keeping in mind the humanitarian ground that he is a father and his daughter's wedding is to be solemnized on 23.11.2023, it is directed that the petitioner

shall be taken in Police custody for attending the marriage of his daughter to the place where the marriage is to be solemnized on 23.11.2023 and be taken back to District Jail, Faridabad on the next day i.e. 24.11.2023 before 05.00 pm under strict security.

5. Disposed off. Pending applications, if any, also stand disposed off.

20.11.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO