

CRWP-11103-2023

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2023:PHHC:149150-DB

204+101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-11103-2023

Date of decision:23.11.2023

PARVESH KUMAR

...Petitioner

Versus

STATE OF JAMMU AND KASHMIR AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Gaurav Partap Singh Pathania, Advocate for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

Mr. R.S. Cheema, Sr. Advocate with
Ms. Sumanjit Kaur, Advocate
for respondent No.1-J&K.

SURESHWAR THAKUR, J. (ORAL)

CRM-W-1679-2023

The asked for amendment in the head note of the petition is allowed.

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1. Reply on affidavit to the petition has been furnished on behalf of the State, and, the same is taken on record.
2. The present petitioner became convicted by the learned Convicting Court for charges relating to offences punishable under Sections 302, 376-D, 376-D/511, 328, 363, 201, 343, 34 RPC, registered at Police Station Hiranagar, District Jammu & Kashmir.
3. In consequence, to the verdict of conviction (supra), becoming handed down to the present petitioner, consequent thereto substantive sentence(s) of imprisonment, besides of fine became imposed upon him.

The said verdict of conviction, and, consequent thereto imposed substantive

sentence(s) of imprisonment, and, of fine, have been appealed by the present petitioner through his raising criminal appeal bearing No.CRA-D-533-2019, before this Court. The said appeal is subjudice before this Court.

4. Through the instant petition the petitioner claims, that he be released on parole so as to enable him to attend the marriage of his real sister which is stated to take place on 28.11.2023, at the venue mentioned in Annexure P-1.

5. The said parole would not be granted by this Court unless he had applied for parole before the Competent Authority, and, his claim became rejected.

6. It is fairly conceded, at the bar by the learned counsel for the petitioner, after the learned Senior Advocate, and, the learned State counsel intimating this Court, that as a matter of fact no parole application, became filed by the present petitioner before the Competent Authority concerned, nor any adverse order became rendered thereons. Therefore, though the claim for parole may not be permissibly granted to the present petitioner.

7. Be that as it may, since the purpose (supra), as detailed in the present petition does require his being released, but not on parole rather his being permitted to proceed to the venue concerned, for the relevant purpose. Therefore, for enabling the present petitioner to attend the marriage of his real sister scheduled to take place on 28.11.2023, at the venue mentioned in Annexure P-1, especially when the said averment, is supported by a letter placed on record by the learned Senior Advocate which becomes authored by the Senior Superintendent of Police (EOW) Crime Branch, Jammu, thus confirming the said fact.

8. Therefore, this Court deems it fit, and, appropriate to order the Superintendent of Police concerned, to deploy 4 armed police escorts to

accompany the petitioner to the venue concerned. The learned counsel for the petitioner does not resist the making of the above direction to the Superintendent of Police District concerned, or to the Superintendent of the Jail concerned. He also submits before this Court that the present petitioner is ready and willing to bear all the relevant expenses towards the transportation as well as the expenses towards the board, and, lodging of the armed police escorts to be deployed along with the petitioner.

9. In the wake of the above, thus this Court accordingly directs the Superintendent of the Police District concerned, besides the Superintendent of the Jail concerned, to ensure that 4 armed police escorts are deployed along with the present petitioner to enable him to attend the marriage of his sister scheduled on 28.11.2023, at the venue mentioned in Annexure P-1. The Superintendent of Police District concerned, and, the Superintendent of the Jail concerned, are both directed to ensure that under armed police escorts, the present petitioner shall proceed from the Jail concerned, on 26.11.2023, and, shall also ensure that armed police escort so deployed along with the present petitioner, ensure his being retrieved into the prison concerned, on 29.11.2023.

10. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

23.11.2023

Ithlesh

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No

(SUDEEPTI SHARMA)
JUDGE