

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRWP-1318-2024 (O&M)
Date of Decision:-9.2.2024

Jagroop Singh and another ... Petitioners
Versus
State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Kumar, Advocate,
for the petitioners.
Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners, who stand convicted in respect of FIR No.168, dated 3.10.2019 registered at Police Station Gharinda, District Amritsar, under Section 21(C) of Narcotic Drugs and Psychotropic Substances Act, seek issuance of directions to the respondents to release the petitioners on parole so as to attend the marriage of their sister, which is to be solemnized tomorrow i.e. on 10/11.2.2024.
2. The petitioners had earlier approached this Court seeking parole by way of filing CRWP-1056-2024, which was disposed of vide order dated 6.2.2024 (Annexure P-3), which reads as under:

- “1. The petitioners have approached this Court seeking issuance of a direction to release them on parole for 4 weeks so as to make arrangements for marriage of their real sister which is to be solemnized on 10/11.02.2024.
 2. Learned counsel submits that although the petitioners had moved separate applications on 19.1.2024 (Annexure P-1) to the Superintendent of Jail seeking their release on parole, but till date the same have not been decided.
 3. Notice of motion.
 4. At this stage, Mr. R.S.Khaira, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondents.
 5. Having regard to the fact that the real sister of the petitioners is stated to get married, it goes without saying that the petitioners being real brothers would be required not only to make certain arrangements but also to participate in some rites and ceremonies in respect of the marriage. Respondent No.1-State of Punjab, as such is directed to consider the matter and to pass appropriate orders in respect of the application dated 19.1.2024 within 2 days from today after duly taking into account the antecedents and the period already undergone by the petitioners.
 6. A copy of this order be conveyed to learned State counsel today itself so that the same is conveyed immediately to the quarter concerned for necessary compliance.
 7. It is further directed that the requisite order as may be passed on the application be immediately conveyed to the petitioners.”
3. Pursuant to passing of aforesaid order dated 6.2.2024 (Annexure P-3), the authorities concerned considered the case of petitioners and have rejected the same vide order dated 7.2.2024 (Annexure P-4) primarily on the ground that the petitioners would be eligible for grant of parole only after 4 months from the date of conviction.
4. Notice of motion.

5. At this stage, Mr. Ramdeep Partap Singh, Sr. DAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
6. Custody certificates of the petitioners have been filed by learned State counsel today in Court, which are taken on record. Learned State counsel has informed that apart from the aforesaid FIR i.e. FIR No.168, dated 3.10.2019, the petitioners happen to be involved in 3 other cases.
7. It is not in dispute that prior to the conviction of the petitioners with respect to FIR No.168, dated 3.10.2019, the petitioners have been behind bars since the last more than 4 years.
8. This Court finds that apart from the averments made in the petition regarding factum of marriage of petitioners' sister, there is no other convincing evidence/verification report to support the same. However, having regard to the fact that the real sister of the petitioners is stated to get married, it goes without saying that the presence of the petitioners would be required to perform various ceremonies related to the marriage being real brothers.
9. In view of the aforesaid peculiar position, wherein two brothers, who have been behind bars since the last more than 4 years assert that marriage of their sister is to be solemnized on 10/11.2.2024, the instant petition is disposed of with a direction to respondent No.3 - The Superintendent, Central Jail Amritsar, District Amritsar to make necessary arrangements to take the petitioners to the venue of marriage stated to be within District Amritsar itself on 11.2.2024, while in custody, subject to the condition that the expenses for conveyance as well as for necessary security shall be borne by the petitioners, which shall be assessed by respondent No.3 - The

Superintendent, Central Jail Amritsar, District Amritsar, and shall be deposited with respondent No.3 in advance. The petitioners shall be consigned back in jail in the evening by 05:00 P.M. on the same day.

10. The petition stands disposed off accordingly.

9.2.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No