

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2547-2024
Date of Decision:22.03.2024

Vicky Kumar Pandey ...Petitioner

vs.

State of Punjab and Others ...Respondents

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Surnam Singh Rana, Advocate
 for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India with a prayer to direct the respondents to release the petitioner on emergency parole for a period of four weeks under Section 3(1) (a) of the Punjab Good Conduct Prisoners (Temporary Release),1962 (hereinafter referred to as the “Act”) for attending and performing the last rites/Rasam Pagdi of his father.

2. Learned counsel for the petitioner contends that the petitioner was arrested in a case FIR No. 07 dated 26.02.2005 under Sections 302,148,149,337,396 of IPC and under Section 25 of Arms Act, Police Station GRP Sirhind, District Fatehgarh Sahib. He was tried by the Court of Additional Sessions Judge, Ludhiana and vide the judgment and order dated 21.11.2021, he was convicted for the offence under Section 396 IPC and was sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/- and to further rigorous imprisonment for a period of 03 years.

3. The petitioner had filed a criminal appeal i.e. CRA-1193-DB-2011, which was dismissed by this Court vide judgment and order dated 21.11.2014. Learned counsel further contends that the petitioner has already undergone more than 18 years of actual sentence and more than 22 years with remissions. He further contends that even his case re-commended for the grant of pre-mature release to the Government, however, it was wrongly rejected by the appropriate Government. He further contends that the father of the petitioner has expired on 08.03.2024 and the certificate issued by the Gram Panchayat is at as Annexure P-2. Learned counsel has also placed reliance on the medical certificate issued by the Homi Bhabha Cancer Hospital and Research Centre, Muzaffarur (Annexure P-1) in this regard. Learned counsel further contends that the petitioner is having one brother, who is handicapped and his mother is very old. Consequently, the petitioner has to attend last rites of his father and has to meet his family members.

4. On the other hand learned State counsel submits that the police has verified the facts and submits that in fact, the father of the petitioner has expired on 08.03.2024. However, he has opposed the submissions made by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties.

6. In the present case, there is no dispute that the father of the petitioner had expired on 08.03.2024 and as per the petitioner, his father has left behind his widowed mother and his brother, who is a handicapped. Consequently, the petitioner has to attend the last rites of his father and has to attend the Rasam Pagdi. Apart from that, he has to meet his mother and other family members also. In fact, meeting once family is one of the most

important facets of right to life and the ground for parole is legal and valid and in accordance with provisions of law. Consequently, the present petition is allowed and the petitioner is ordered to be released on parole for a period of four weeks from the date of release on his furnishing requisite personal and surety bonds to the satisfaction of the District Magistrate concerned and the said District Magistrate can also impose such conditions, as may be considered necessary to secure the presence of the petitioner in jail after the parole period is over and to ensure that the temporary release is not misused by securing the bond of mandatory good conduct with a clear stipulation that in case the petitioner commits any offence during his period of temporary release, his release warrants would be cancelled as provided under Rule 4 of the Punjab Good Conduct Prisoners’ (Temporary Rules)1963.

Disposed off.

22.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No