

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.15780 of 2018

Date of Decision: 29.06.2018

Jarnail Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

MAHABIR SINGH SINDHU, J.(Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India for setting aside the impugned order dated 27.06.2018 (P-5) passed by respondent No.3-Superintendent of Jail, Central Jail Patiala, District Patiala, whereby the prayer of the petitioner for seeking parole to attend the engagement ceremony of his daughter has been rejected.

Notice of motion.

On the asking of the Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab accepts notice on behalf of respondents-State. Copies of the paper book supplied.

Since matter is urgent and there is no dispute regarding the factual aspect of the case. Therefore, the matter is being decided without filing the reply on behalf of the respondents.

It is contended by learned counsel for the petitioner that the impugned order has been passed on account of non-application of

mind as the respondent No.3 has mentioned that it is the “marriage” of the daughter of the petitioner, but in fact it is only the engagement ceremony and which shows that the order has been passed in routine without taking into consideration the facts of the case.

Heard both sides and perused the paper-book.

Perusal of the impugned order dated 27.06.2018 reveals that the prayer of the petitioner has been rejected while observing as under:

“The above said petitioner/convict daughter marriage is fixed for 01.07.2018. whereas, the said petitioner/convict could have easily managed and fixed the date of marriage of his daughter Sukhdeep Kaur according to the parole to be availed by him. As marriage are not fixed in a day. They are always fixed in advance, so that necessary action arrangement for the marriage can be made. The petitioner/convict could have easily fixed the marriage of his daughter accordingly. Which he did not do so?

There is no provision in the Punjab Jail Manual 1996, and in the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, wherein, The Superintendent of Jail has not been empowered to grant emergency parole to the convict for the marriage of his daughter. Besides

this the convict is entitled for parole from 1st July 2018 onwards as per the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015."

Learned counsel for the petitioner has rightly made a reference to the Clause 4 of Section 3(1) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (for short "the Act") which clearly stipulates that the parole can be granted for any other sufficient cause in addition to the eventuality stipulated in Clauses 1,2 and 3 thereof. Therefore, the reason assigned in the impugned order is not acceptable by this Court.

Since the daughter of the petitioner is going to be engaged on 01.07.2018 and the observation made by respondent No.3-Superintendent, Central Jail, Patiala that the "marriage" has not been fixed in a day and it should have fixed in advance is also without any basis as there is no "marriage" fixed till date and it is only the engagement ceremony.

In view of the facts and circumstances, discussed hereinabove, the impugned order dated 27.06.2018 is liable to be set aside.

Consequently, the petition is allowed and respondent No.3 is directed to release the petitioner-Jarnail Singh on parole with effect from 30.06.2018 to 03.07.2018 after completing necessary formalities as per rules. It is made clear that the petitioner will surrender before the jail authorities on 04.07.2018 at 10.00 am and

will not do any illegal activity during his parole. In case the petitioner commits any breach of conditions imposed upon him, then concerned authority may file an appropriate application/review petition for cancellation of the parole of the petitioner.

Disposed off in the above terms.

**[MAHABIR SINGH SINDHU]
JUDGE**

June 29, 2018

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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no