

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

**Criminal Writ Petition No.6 of 2016.
Date of Decision:-11.01.2016**

Surinder @ Mahender

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Balbir Singh Sewak, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C and Section 3(1) (b) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (*for brevity “ the Act”*), is for release of the petitioner on account of marriage of his daughter, namely, Priya, which is scheduled to be held on 20.01.2016.

Learned counsel for the petitioner contends that in para No.1 of the petition, it has been stated that though the petitioner was convicted and sentenced imprisonment for life, but in fact, he has been convicted and sentenced for 10 years and to pay a fine of Rs.1,00,000/- Against the judgment of conviction dated 22.10.2009, the petitioner has filed CRA-S-

3104-SB-2009, which has been admitted and is pending for final adjudication before this Court. He further submits that the marriage of the daughter of the petitioner, namely, Priya has been scheduled to be held on 20.01.2016. He being the father is required to perform many rituals and ceremonies. Therefore, he has requested respondent no.2 to grant parole of four weeks to the petitioner for making arrangements of his daughter's marriage, but the same has not been decided. He further submits that the Act provides for temporary release of a prisoners for good conduct on certain condition.

Section (3) (1) (b) of the Act 2 which is relevant in the present case, reads as follows:-

“3. Temporary release of prisoners on certain grounds:-----*(1) The State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any prisoner if the State Government is satisfied that-*

(a) xxxxxxxx

(b) the marriage of the prisoner's son or daughter is to be celebrated ; or

(c) xxxxx”

Learned counsel further submits that in view of the aforesaid provisions, the petitioner deserves to be extended the benefit of parole.

Learned counsel for the petitioner also contends that the petitioner is ready to furnish an undertaking or any other formalities, as required under law before allowing his case for parole to attend the marriage of his daughter.

Learned Counsel for the State has filed reply by way of affidavit of Gurpal Singh Sarowa, PPS, Superintendent, Maximum Security Jail, Nabha, on behalf of respondents No. 1 and 2, which is taken on record. In para 3 of the said reply, it is has been stated that the SHO, Police Station, Madhav Nagar, Ujjain (M.P) has submitted a report, wherein, he has authenticated the marriage of the daughter of the petitioner.

I have heard learned counsel for the parties.

The referred provision i.e. Section (3) (1) (b) of the Act shows that temporary release on parole can be granted to a prisoner for the solemnization of marriage of his sons or daughters. In terms of Section 3 (2) (b) of the Act, where the prisoner is to be released for the marriage of his son or daughter, he can be released for a period which shall not be exceeded four weeks.

The marriage of the daughter of the petitioner who is undergoing his imprisonment is a solemn occasion for which the father has a pious obligation to perform and it has to be done as there are certain rituals and ceremonies, which are being performed by the father only. Therefore, I am of the view that the petitioner deserves to be extended the benefit of parole.

In these circumstances, the present petition is allowed and the petitioner, on furnishing personal bonds and surety bonds to the competent authority under the Act, shall be released on parole for a period of three weeks from the date of his release. The competent authority shall specify the date on which the petitioner is to surrender in jail after expiry of three

weeks. The competent authority is at liberty to impose any other reasonable restriction on the movement of the petitioner.

11.01.2016

Anjal

(*HARI PAL VERMA*)
JUDGE