

CRWP-126 of 2017**Date of decision: 08.02.2017****Abhey Singh & Ors.**

... Petitioners

VS.

State of Haryana

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Sumeet Sheokand, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

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DEEPAK SIBAL, J.(ORAL)

Status report by way of affidavits of Superintendent of Jail Sirsa and Deputy Superintendent of Police (HQ), Sirsa filed by the learned State counsel in Court today are ordered to be taken on record.

The petitioners who are three in number and are in custody on account of their conviction under Sections 452, 323, 324 and 506 IPC read with Section 34 IPC, have filed the present petition under Articles 226 and 227 of Constitution of India read with Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short “the Act) seeking their temporary release to perform the religious and other ceremonies in the marriage of Amandeep who is stated to be the son of petitioner No.2's sister Shimla Devi and Ist cousin of petitioners No.1 and 3.

The sentence awarded to the petitioners is one year rigorous imprisonment. Such conviction and sentence has been challenged by the petitioners before this Court through Criminal Revision No.4620 of 2016 in which notice of motion only qua quantum of sentence has been issued and

the matter is now listed for 16.03.2017.

In the meanwhile on account the marriage of the son of petitioner No.2's sister and Ist cousin of petitioners No.1 & 3 the present petition has been preferred by the petitioners seeking therein their temporary release from custody to attend the marriage and other ceremonies.

Upon notice having been issued, the State has filed a status report through which it is not disputed that the marriage of Amandeep who is son of real sister of petitioner No.1 and of the father's sister(Bua) of petitioners No.1 & 3 is to be solemnized on 15.02.2017. In the status report the state, on the temporary release of the petitioners does not apprehend any breach of peace.

In view of the peculiar facts of the case as noticed above, the petitioners are directed to be temporarily released from custody on 13.02.2017 at 10:00 am and they shall surrender back on 16.02.2017 by 5:00 pm before the jail authorities.

The above release would be subject to the satisfaction of Chief Judicial Magistrate, Sirsa.

Petition stands disposed of in the above terms.

(Deepak Sibal)
Judge

February 08, 2017
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