

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

CWP No.3200 of 2018

DATE OF DECISION:17.02.2018

Roshan Lal Khanagwal

...Petitioner

Vs.

State of Haryana & others

..Respondents

**CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present: Mr. Rajeev Sharma, Advocate  
for the petitioner.

Mr. S. S. Mann, Senior DAG, Haryana.

**DAYA CHAUDHARY, J.(ORAL)**

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to respondents for temporary release of the petitioner who is confined in Central Jail-I, Hissar for making arrangement and attending the marriage of his son namely Amit Kumar which is to be solemnized on 20.02.2018.

Learned counsel for the petitioner submits that presence of the petitioner is required for making arrangement of the marriage of his son and to perform certain ceremonies. A request was made to respondent No.4 but no action was taken. The son of the petitioner also sent a representation dated 20.01.2018 along with photocopy of the marriage invitation card to respondent Nos.3 & 4 for temporary release of his father on account of his marriage but no action has been taken. Learned counsel submits as per provisions of Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as 'the Act'), the

petitioner is entitled for temporary release on certain grounds as mentioned in sub-Section 1 for a period specified in sub Section (2). Notice of motion was issued in the case on 12.02.2018.

Learned State counsel has verified the factum of marriage of son of the petitioner from Central Jail-I, Hissar. He submits that many cases are pending against the petitioner and in majority of cases he is not on bail.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file. Section 3 of the Act, 1988 which is relevant for deciding the controversy is reproduced as under:-

**“3. Temporary release of prisoners on certain grounds:-**

1. The State Government may, in consultation with the District Magistrate or any other officer appointed in this behalf, by notification in the Official Gazette 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) a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill; or
  - (b) the marriage of prisoner himself, his son, daughter, grandson, granddaughter, brother, sister, sister's son or daughter is to be celebrated; or**

(c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying or any other agricultural operation on his land or his father's undivided land actually in possession of the prisoner; or

(d) it is desirable to do so for any other sufficient cause.

(2) The period for which a prisoner may be released shall be determined by the State Government so as not to exceed-

(a) where the prisoner is to be released on the grounds specified in clause (a) of sub-section (1), three weeks;

(b) where the prisoner is to be release on the ground specified in clause (b) or clause (d) of sub-section (1), four weeks; and

(c) where the prisoner is to be released on the grounds specified in clause (c) of sub-section (1), six weeks:

Provided that the temporary release under clause ( c) can be availed more than once during the year, which shall not, however, cumulatively exceed six weeks.

(3) The period of release under this section shall not count toward the total period of the sentence of a prisoner.

(4) The State Government may, by notification authorise any officer to exercise its powers under this section in respect of all or any other ground specified thereunder.”

As per aforesaid provisions the petitioner can be released temporarily to attend the marriage ceremony of his son in police custody,

by considering the fact that he is not on bail in some of the cases registered against him. Even as per notification dated 31.03.2014, even a hard core criminal can be allowed parole in police custody.

Accordingly, by considering the submissions made by learned counsel for the parties, the petitioner is allowed to attend the marriage of his son in police custody for a period of three days w.e.f. 19.02.2018 to 21.02.2018.

Superintendent Central Jail-I, Hissar is directed to make necessary arrangement for taking the petitioner in police custody.

The petition stands disposed of.

Copy of the order be given under signatures of Bench Secretary of the Court.

**17.02.2018**  
rimpal

**(DAYA CHAUDHARY)**  
**JUDGE**

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