

CRM-M-403-2021

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

CRM-M-403-2021
Date of decision: 25.01.2021

Akul Kumar

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Rimple Saini, Advocate,
for respondent No.4.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondent No.3-Superintendent of Jail, Central Jail, Ferozepur, to make necessary arrangements to facilitate the solemnization of petitioner's marriage with respondent No.4, which is already fixed for 28.01.2021.

Learned counsel for the petitioner submits that the petitioner being an undertrial is in custody in case bearing FIR No.226 dated 29.09.2014, under Sections 302 and 34 IPC and Section 25 of the Arms

CRM-M-403-2021

Act, registered at Police Station Sadar Amritsar.

This Court, on 07.01.2021, directed respondent No.3-Superintendent, Central Jail, Ferozepur, to file an affidavit indicating whether the arrangements for the marriage of the petitioner could be made at the nearest temple of the jail premises, so that he could be brought to the temple on 28.01.2021 at 10.00 A.M. and taken back at 3.00 P.M. to the jail premises after solemnization of the marriage.

In pursuance of the order dated 07.01.2021, short replies by way of affidavits dated 21.01.2021 and 23.01.2021 of the Superintendent, Central Jail, Ferozepur, have been filed through e-mail. Prints out of the same are taken on record.

In the letter dated 19.01.2021 written by the Chief Welfare Officer to the Superintendent, Central Jail, Ferozepur, it is stated that there is no rule in the Jail Manual to arrange the marriage of an inmate lodged in the jail, but the marriage can be performed in the jail premises i.e. outer Area under the supervision of the District Magistrate/District Police, and the expenses of marriage will be borne by the petitioner himself.

In the short affidavit dated 23.01.2021, it is stated that new waiting hall, situated in the jail premises, is available to perform the marriage of the petitioner with respondent No.4, but all the expenses will be borne by him.

As per the reply dated 21.01.2021, there are as many as 20 FIRs, as mentioned below, pending or registered against the petitioner:-

CRM-M-403-2021

Sr. No.	Details of cases	Result
1.	FIR No.94/2017, u/S 323, 324, 326, 341, 148, 149, 201 IPC, PS Kotwali Kapurthala.	Undertrial
2.	FIR No.127/10.08.2016, u/S 364, 302, 148, 149 IPC and 25, 54, 59 Arms Act, PS Sadar Tarn Taran.	Undertrial
3.	FIR No.67/2012, u/S 307, 399 IPC, PS Mattewal.	Undertrial
4.	FIR No,126/27.08.2013, u/S 382, 34 IPC, 25-A Act, PS Adampur.	Undertrial
5.	FIR No.226/2014, u/S 302, 34 IPC, PS Sadar Amritsar.	Undertrial
6.	FIR No.86/2016, u/S 379 IPC, PS Beas.	Undertrial
7.	FIR No.78/11.04.2014 u/S 307, 34 IPC and 25, 54, 59 Arms Act/Beas.	Undertrial
8.	FIR No.12/05.02.2016, u/S 307, 224, 225, 148, 149, 120-B IPC 25, 27, 54, 59 Arms Act, PS Sadar Nawanshahar.	Undertrial
9.	FIR No.301/2014, u/S 414, 411, 489-A, B, C, E, 386 IPC, PS Cantonment ASR.	Undertrial
10.	FIR No.154/03.09.2018, u/S 42 Prison Act, PS Islamabad Amritsar.	Undertrial
11.	FIR No.10/0902.2020, u/S 25, 54, 59 Arms Act, PS Majitha.	Undertrial
12.	FIR No.190/2020, u/S 420, 120-B IPC, 42, 52 Prison Act, PS Islamabad ASR.	Undertrial
13.	FIR No.89/2015, u/S 427, 506, 354, 34 IPC, 66-A, 67-A IT Act, PS Civil Lines ASR.	Undertrial
14.	FIR No.98/06.03.2020, u/S 353, 186, 506 IPC, 42, 52-A Prison Act, PS Islamabad ASR.	Undertrial
15.	FIR No.263/2019, u/S 52-A Prison Act/City Ferozepur.	Undertrial
16.	FIR No.284/2020, u/S 52-A Prison Act/City Ferozepur.	Undertrial
17.	FIR No.285/2020, u/S 52-A Prison Act/City Ferozepur.	Undertrial
18.	FIR No.295/2020, u/S 52-A Prison Act/City Ferozepur	Undertrial
19.	FIR No.115/2014, u/S NDPS Act, PS Mehta.	Acquitted on 22.10.2019
20.	FIR No.117/2014, u/S NDPS Act, PS Mehta.	Acquitted on 06.11.2019

Keeping in view the communication dated 19.01.2021 sent by
the Chief Welfare Officer and the affidavit dated 23.01.2021 of the

CRM-M-403-2021

Superintendent, Central Jail, Ferozepur, the present petition is allowed and respondent No.3-Superintendent, Central Jail, Ferozepur, is directed to allow the petitioner to perform the marriage with respondent No.4 within the jail premises on 28.01.2021 till 3.00 P.M. by strictly following the security arrangements considering that many criminal trials are being faced by the petitioner. The parents of petitioner and respondent No.4 will be allowed to enter the jail premises on the said date, as agreed by the learned counsel for the parties, and all the expenses of the marriage will be borne by the petitioner.

Learned counsel for the petitioner and learned counsel for respondent No.4 undertake to abide by aforesaid conditions imposed upon them.

25.01.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No