

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

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**CRWP-11084-2021
Decided on : 24.11.2021**

Jagdev Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Inderjeet Singh Brar, Advocate
for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India for directing the respondents to temporary release the petitioner from custody on emergency parole so that the petitioner could attend the marriage and other ceremonies of his son.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was convicted by the Chief Judicial Magistrate, Faridkot vide judgment dated 16.01.2019 under Sections 279 and 304-A IPC and was sentenced to maximum imprisonment of 2 years and the appeal against the said judgment was dismissed by the Additional Sessions Judge-I, Faridkot vide judgment dated 05.10.2021 and in the revision petition filed before this Court, the conviction was upheld but the sentence was reduced to 6 months. It is further submitted

that the marriage of the son of the petitioner is scheduled for 27.11.2021 and for the same, reference has been made to the marriage card (Annexure P-2). It is further submitted that the petitioner has given representation dated 18.11.2021 to the Jail Superintendent, Modern Jail, Faridkot in which it was specifically mentioned that there is no other male person in the house of the petitioner who could perform the ceremonies which are to be performed by the father of the groom and the said representation/application has not been decided till date.

Since there was urgency in the matter, thus, the matter was taken up after lunch with the direction to learned State counsel to get instructions as to whether the marriage of the son of the petitioner is fixed for 27.11.2021 or not.

Learned State counsel, on instructions from SHO Gurmail Singh, has submitted that the marriage of the son of the petitioner is scheduled for 27.11.2021 and for the said purpose, the statement of the brother of the petitioner, namely, Dharam Singh and joint statement of the villagers have also been recorded.

Learned counsel for the petitioner has relied upon a judgment of the Division Bench of Madhya Pradesh High Court in **CRA-310-2013** dated 02.11.2016 titled as **Deepak Taneja Vs. State of M.P.** in which also for the marriage of the niece of the applicant, interim suspension of sentence was granted to the applicant on furnishing of the bail bonds of Rs.1,00,000/- with two solvent sureties in the like amount to the satisfaction of the concerned Chief Judicial

Magistrate. The case of the petitioner is on a higher footing than the above case inasmuch as in the present case, it is the son of the petitioner who is getting married .

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the sentence imposed upon the petitioner, namely, Jagdev Singh shall remain suspended from 26.11.2021 to 02.12.2021 on his furnishing personal/surety bonds of Rs.1,00,000/- with two solvent sureties in the like amount to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. The petitioner is directed to surrender before the Jail gate of Central Jail, Fardikot at 5:00 PM on 02.12.2021.

(VIKAS BAHL)
JUDGE

24th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No