

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

**CRWP-1192-2023 (O&M)
Decided on : 07.02.2023**

Sikander Pal Singh

... Petitioner

Versus

The State of Punjab and another

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE RITU TAGORE**

Present: Mr. L.S. Lakhanpal, Advocate for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

G.S. Sandhawalia, J. (Oral)

The present criminal writ petition has been filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C and Section 3 (1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short '1962 Act') for release of the petitioner for 15 days on account of the marriage of the daughter namely Taranpreet Kaur, which is stated to be fixed for tomorrow i.e. 08.02.2023.

It is the case of the petitioner that he has been convicted vide judgment dated 15.03.2022 for a period of 20 years under the provisions of Section 376 (AB) and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012. His appeal bearing CRA-D-288-2022 is stated to be pending before this Court. The averments are that being the father of the bride rituals have to be performed and the marriage cards have been appended as Annexure P-1 and P-2. The Panchayatnama (Annexure P-3) has also been appended, wherein it has been mentioned that request for parole had been made on 17.01.2023 and the date of marriage is coming. It has been averred that he is in custody for the last more than 4 years since the FIR is dated 25.08.2018.

Matter came up for hearing in the pre-lunch session and the State was put to notice. Ms. Puri by way of telephonic communication has confirmed the factum of the marriage from ASI Daljit Singh, Police Station, Nurmahal, District Jalandhar.

Keeping in view the above, we are of the considered opinion that since the provisions of 1962 Act under Section 3 (1) (b) provide that the District Magistrate may release temporarily for a period specified in sub-Section 2 any person marriage of whose son or daughter is to be celebrated. The period prescribed under sub-Section 2 is upto 8 weeks.

Resultantly, keeping in view the above, we are of the considered opinion that keeping in view the urgency of the situation and the fact that decision could not be taken, case is made out for release on parole for a period of 2 weeks. The petitioner be released on parole for a period of 2 weeks on furnishing of requisite bail bonds/surety bonds and all other formalities to the satisfaction of the competent authority. He shall surrender back to the jail authority, after the expiry of the parole period.

Petition stands allowed, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(RITU TAGORE)
JUDGE

07.02.2023
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No