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2023:PHHC:081753-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-5499-2023

Date of Decision: June 08, 2023

ASHWANI KUMAR ALIAS ASHU

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Brijesh Nandan, Advocate for petitioner.  
Mr. Amit Shukla, AAG, Punjab.

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**HARKESH MANUJA, J. (ORAL)**

By way of present writ petition filed under Article 226/227 of Constitution of India prayer has been made for issuance of writ in the nature of Mandamus directing respondents to release the petitioner for a period of two weeks under Section 3(1) (d) of Punjab Good Conduct Prisoner Temporary Release Act, 1962 for the purpose of wedding of his real sister namely Amarjeet Kaur which is scheduled for 21.06.2023.

2. Having been implicated as an accused in FIR No.110 dated 21.07.2019 registered under Sections 376 IPC read with Section 6 of Protection of Children from Sexual Offence Act, 2012, P.S. Sadar Nakodar, Jalandhar, the petitioner was convicted vide judgment dated 10.02.2022 and was awarded life sentence. The aforesaid judgment dated 10.02.2022 was challenged before this court by way of CRA-D-533-2022 and the same is pending adjudication. During pendency of the aforementioned appeal, the marriage of sister of petitioner has been scheduled for 21.06.2023 and for the said purpose, the petitioner prays for his release on parole, invoking Clause d of Section 3(1) of the Punjab Good Conduct Prisoner Temporary Release Act, 1962.

3. Upon advance notice learned State counsel on instructions

from ASI Zorawar Singh, P.S. Sadar Nakodar, District Jalandhar submits that factum of marriage of sister of petitioner namely Amarjeet Kaur, scheduled for 21.06.2023 has been got verified through Sarpanch and Lambardar of the village.

4. Although under the provisions of Punjab Good Conduct Prisoner Temporary Release Act, 1962, at the first instance, the petitioner is required to approach the District Magistrate for getting parole, however, considering the fact that the marriage of the sister of petitioner is scheduled for 21.06.2023 and the said fact has even been duly verified by the learned State counsel, relegating the petitioner to the authorities concerned at this belated stage may frustrate the cause, thus in view of the aforementioned facts the prayer made in the present petition is allowed and the petitioner being the only brother, is ordered to be released on parole with effect from 19.06.2023 till 24.06.2023 so as to attend the marriage of the sister, subject to furnishing of bail bonds/surety bonds besides any other conditions imposed by the concerned District Magistrate.

5. It is however, made clear that the petitioner shall surrender before the jail authorities on 25.06.2023 by 10:00 am.

6. Disposed of in the aforesaid terms.

(HARKESH MANUJA)  
JUDGE

08.06.2023  
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(GURBIR SINGH)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |