

2024:PHHC:050970-DB

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

CRWP-3193-2024
Date of Order: 16.04.2024

Gurpreet Singh @ PreetPetitioner

Versus

State of Punjab and othersRespondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Jasraj Singh, Advocate, for the petitioner.

Mr. Dhruv Dayal, Addl. AG, Punjab.

SUDHIR SINGH, J. (ORAL)

By way of the present Criminal Writ Petition, the petitioner seeks his release on emergency parole enabling him to attend the marriage of his sister (Poonam Rani) and other related rituals, which are scheduled to take place from 15.4.2024 to 18.04.2024.

2. Vide judgment and order dated 04.12.2023, the petitioner was convicted of the offences under Sections 376-D, 366-A, 306, 365 and 506 IPC and sentenced to undergo rigorous imprisonment for a period of 20 years under Section 376-D IPC and to pay a fine of Rs.20,000/-, besides various other substantive sentences for the other offences as noticed above. Presently, the petitioner is confined in Central Jail, Hoshiarpur.

3. Learned counsel for the petitioner submits that the petitioner's father, namely, Onkar Singh is not alive and the

petitioner being the real brother of Poonam Rani, his presence is required to perform the rituals and ceremonies in the wedding of his sister. It is further submitted that the mother of the petitioner is old and the petitioner being her only son, his presence is necessary in the wedding of his sister. It is yet further submitted that in respect of the relief sought in the present petition, the petitioner had submitted a representation dated 30.03.2024 to the Superintendent of Central Jail, District Hoshiarpur, but the same was not accepted and the officials had verbally informed the petitioner that his request was not accepted because of the upcoming Lok Sabha elections.

4. On 10.04.2024, notice of motion was issued and the learned State counsel had sought time to file his reply.

5. Today, a short reply has been filed on behalf of respondents No. 1 to 5, by way of an affidavit of Narinder Singh, PPS, Deputy Superintendent of Police, Sub Division (Rural), Hoshiarpur. The same is taken on record.

6. A perusal of para Nos. 4 and 5 of the said reply would show that the factum of marriage of the sister of petitioner, has been verified by the Police of Police Station Bullowal, District Hoshiarpur, after recording the statement of the mother of the petitioner (Raj Rani). Still further, the police has also recorded the statement of Lambardar of village Deowal, as regards the marriage of the petitioner's sister on 18.04.2024. However, in para No.6 of the reply, it has been pointed out that if, allowed to attend the marriage of his sister, the petitioner might run away.

7. It may be not noticed that as per the custody certificate, the petitioner is alleged to have committed jail offence and FIR No. 40 dated 20.02.2023 under Section 52-A of the Prisons Act, has been registered against him at Police Station City, Hoshiapur.

8. The factum of marriage of the petitioner's sister on 18.04.2024 is not disputed. It has also come on record that the petitioner is the only brother of said Poonam Rani and their father has already expired. Therefore, we are of the opinion that the petitioner's presence is required to perform the necessary rituals/rites in the wedding of his sister, being the only surviving male member in the family.

9. In view of the above, we dispose of the present petition with a direction that the petitioner shall be taken to his village for two days i.e. 17.04.2024 and 18.04.2024 in police custody, to perform the necessary rituals/rites in the marriage of his sister. It is further directed that after the marriage ceremony is over, the police will take the petitioner back to the jail on 18.04.2024 by 5.00 p.m. (evening).

10. All the pending application(s), if any, shall also stand disposed of.

(Sudhir Singh)
Judge

(Harsh Bunker)
Judge

16.04.2024
ds/Ajay Prashar

-	<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
-	<i>Whether reportable:</i>	<i>Yes/No</i>