

State Vs. Farmaan

CNR No.: DLCT01-018221-2021

SC No.: 748/2021

FIR No.: 30/21

P.S.: Daryaganj

21.09.2024

Present: Mr. Aditya Trehan, Ld. Addl. PP (substitute) for the State.
Mr. Gaurav Bindal, Ld. Counsel for the applicant, namely, Farmaan.

ORDER

1. By means of the present application, the applicant/accused, namely, Farmaan (*hereinafter referred to as 'the applicant/accused'*) has sought custody parole to enable him to attend the marriage of his sister, namely, Shabana.

2. Learned Counsel for the applicant outrightly submitted that the marriage ceremony of the applicant's sister, namely, Shabana is scheduled for 23.09.2023 at Idris Manzil, Loni, Ghaziabad and that the applicant is desirous to attend the said ceremony, as a member of the said family. It was further submitted that the applicant had moved an application seeking interim bail on the similar ground, however, the said application was dismissed by this Court on 18.09.2024. It was further submitted that the presence of the applicant at the said event is incumbent to supervise, arrange and attend the marriage and the applicant is also required to escort his sister from her matrimonial house as per part of rituals. Accordingly, Ld. Counsel prayed that the present application for custody parole may be allowed for three days *i.e.* from 22.09.2024 till 24.09.2024.

3. *Per contra*, Ld. Addl. PP (substitute) for the State contended that the custody parole, as per rules, cannot be

extended for a period more than six (06) hours on one occasion and that three days' custody parole may not be granted, however, Ld. Addl. PP (substitute) for the State has not objected to the said entreaty for custody parole for the date of marriage of the applicant's sister.

4. The arguments of Ld. Counsel for applicant and that of Ld. Addl. PP for the State, heard as well as record(s) have been thoroughly perused.

5. It is outrightly observed that a reply to the interim bail application of the applicant had been filed by the concerned IO on 18.09.2024, *inter alia* confirming the factum of marriage of the applicant's sister, Ms. Shabana on 23.09.2024 at Idris Manzil, Loni, Ghaziabad. Relevantly, it was specifically noted under the said reply as under;

“...In this regard, it is submitted that, HC Rahul Tomar, No. 1595/C visited at 30 foota road, near Babu Ka Hotel, Ashok Vihar, Loni, Ghaziabad, UP and met Mr. Islam father of accused Farman and enquired the matter, who stated that he has 6 children namely (1) Arif Beg, Age 32 years, (2) Imran Age 27 years, (3) Farman. Age 24 years, (4) Reshma, Age 29 years, (5) Shabana, Age 22 Years (6) Ujma, Age 16 years. He further stated that his daughter Shabana's marriage to be held on 23/09/2024 with Mr. Jahid R/o Village Sarurpur, Distt Baghpat, UP. He produce original marriage card and copy of booking slip of marriage home. The enquiry also conducted from the neighbors, who confirmed the marriage of Ms Shabana. Enquiry also conduct from Mr. Azam Khan owner of IDRIS MANJIL, over mobile phone No. 98189243 who confirmed the booking of Marriage home for 23/09/2024 by Mr. Islam.

It is further submitted that HC Rahul Tomar also visited at the residence of Mr. Jahid S/o Ashgar Ro/ Village Sarurpur, Distt Baghpat, UP and enquiry conducted from Mr. Ashgar and neighbors and they confirmed that Marriage of Mr. Jahid to be held on 23/09/2024 with Ms Shabana D/o Mr. Islam... (Emphasis supplied)

6. In light of the aforesaid and being cognizant of the fact that the marriage ceremony of the real sister of the applicant is scheduled for 23.09.2024, the applicant is permitted to attend the marriage ceremony of his sister, **Ms. Shabana** in *custody parole* on 23.09.2024 from 01:00 p.m. till 07:00 p.m. (six hours¹, cumulatively, as requested by the Ld. Counsel for the applicant during the course of proceedings held today, **excluding the journey time, in terms of Rule 1203 of the Delhi Prisons Rule, 2018) at the venue, to be provided by the applicant to the concerned Jail Superintendent**, as well as to be confirmed from his relative, namely, Mohd. Islam (Father of the applicant, Mobile No. 8130692980). It is clarified that the **accompanying officials with the applicant should be in civil uniform** in view of the given description of the function.

7. The present application of the applicant Farmaan is *decided/disposed off*, in above terms.

8. A **copy of this order be sent to the concerned Jail Superintendent** with the direction to deliver it to the applicant, namely, Farmaan. Further, **the concerned Jail Superintendent is directed to file compliance report of the aforesaid directions within a period of two days from the compliance thereof**. A copy of this **order be given *dasti*** to Ld. Counsel for applicant/accused, as well as to the concerned IO.

(Abhishek Goyal)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
21.09.2024

¹ *Court On Its Own Motion v. State, Crl. Ref. 05/2019, dated 20.12.2019.*
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