Sr. No.2

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CrlM(1880/2026) IN CrlA(D) 115/2025

BASHIR AHMAD BHAT …Petitioner(s)/appellant(s)

Through: Mr. Peer Aijaz, Advocate *(thr. VC)*

Vs.

UNION TERRITORY OF J AND K AND ORS ...Respondent(s)

Through: Mr. A.R. Malik, Sr. AAG.

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

O R D E R
12.10.2026

1. The matter comes up on preponement application/short term bail application, which has been filed on the ground that the daughter of the applicant/convict was scheduled to be married on 29th & 30th September, 2026.

2. Learned counsel for the applicant submits that the marriage of the applicant's daughter is an important family occasion and, therefore, the release of the applicant to attend the marriage ceremony would be in the best interest of justice.

3. Learned counsel for the respondents submits that when the matter was taken up on 16.09.2026 i.e., before the scheduled dates of marriage, none appeared on behalf of the applicant, which reflects the casualness involved in pursuing the matter.

The counsel further submits that if at all the marriage has not happened and has been rescheduled then also the applicant shall have an opportunity for reconsideration under the Jammu and Kashmir Suspension of Sentence Rules, 2020, notified by the Government of Jammu and Kashmir, Home Department Civil Secretariat on 29.03.2020, in exercise of the powers under sub-section (5) of Section 432 of Code of Criminal Procedure, 1973 the provision for custody parole.

The counsel for the respondents further submits that the custody parole for marriage of a family member is permissible and if the petitioner applies, the same shall be considered in accordance with law after verifying the facts of the case. This Court is of the opinion that the dates of marriage

of the daughter for which the temporary bail is being sought is already over because the date of marriage itself was of 29th and30th September, 2026.

4. This Court also takes note of the gazette notification Rule 6 which reads as follows

> *"6. Custody Parole.—Custody parole may be granted to a convict by an order in writing issued by the Jail Superintendent, under intimation to the Head of Prisons Department (HoPD), and to an undertrial prisoner by the trial court concerned for a period not exceeding 48 hours, excluding the journey time in the following eventualities:*
>
> *(i) Death of a family member;*
>
> *(ii) Marriage of a family member;*
>
> *(iii) Serious illness of a family member; or*
>
> *(iv) Any other emergency with the approval of the Range DIG, Prisons.*
>
> *The prisoners who have been convicted but their appeal are pending before the higher courts may also avail custody parole from the prison authority."*

5. This Court also takes note of the fact that when the matter was taken up before the scheduled dates of marriage, none appeared on behalf of the applicant.

6. In the peculiar facts and circumstances of the case, the preponement application and the temporary bail application are both disposed of with liberty to the petitioner to move an application before the concerned authorities for operation of Rule 6 which is the custody parole as per the notification dated 29.03.2020. The application, if so made, shall be verified and an order strictly in accordance with law shall be passed.

7. The main appeal is already admitted on 21.05.2026.

8. The order of call for record be reiterated by the Registry.

9. List the matter on 23.11.2026, ***higher-up.***

(RAJESH SEKHRI)
JUDGE

(DR. PUSHPENDRA SINGH BHATI)
CHIEF JUSTICE

SRINAGAR
12.10.2026
Aadil