

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

-:-

Crl. W. P. No. 1025 of 2014

Date of Decision : July 14, 2015

Govinda Kumar

..... Petitioner

VERSUS

State of Punjab & Anr.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN**

Present : Ms. B.P.K.Brar, Advocate, for the petitioner.

Mr. K.D.S.Sidhu, Addl. A.G., Punjab.

T.P.S. MANN, J.(Oral)

Prayer made in the petition is for issuance of directions to the respondents to release the petitioner on parole for four weeks in order to enable him to meet his family members and settle other domestic affairs.

The petitioner was booked in FIR No.174 dated 08.07.2009, under Sections 302/376/34 IPC registered at Police Station Sadar Khanna, Vide judgment and order dated 20.09.2013, learned Additional Sessions Judge, Ludhiana, convicted the petitioner in the said case and sentenced him to undergo imprisonment for life.

According to the petitioner, in the month of January 2014, he submitted an application for grant of parole for four weeks for the aforesaid purpose in accordance with his entitlement under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 as he had been confined in jail for a long time and all the time he had been longing to meet his family members.

Reply, on behalf of the respondents, has already been filed by the Superintendent, Central Jail, Ludhiana. Along with said reply, copy of letter dated 13.10.2014 from the Senior Superintendent of Police, Khanna, has been appended, wherein it is mentioned that while the petitioner remained on bail in the afore-mentioned case from 26.01.2010 uptill 19.09.2013, he was booked in two other criminal cases i.e. FIR No. 75 dated 04.10.2010 under Section 61/1/14, Excise Act registered at Police Station G.R.P, Patiala and FIR No.01, dated 01.01.2011, under Section 25 of the Arms Act, Police Station G.R.P., Khanna.

Once the petitioner had misused the concession of bail granted to him during the pendency of the trial arising out of FIR No.174, dated 08.07.2009, his prayer for release on parole cannot be accepted. Merely because the petitioner has been granted the concession of probation in FIR No. 75 dated 04.10.2010 is no ground to take a lenient view as the fact remains that the petitioner stands convicted in the said case. Even in FIR No.1, dated 01.01.2011, the petitioner has been convicted and sentenced of the charge against him.

In view of the above, no case is made out for ordering the release of the petitioner on parole.

The petition is, therefore, dismissed.

(T.P.S. MANN)
JUDGE

July 14, 2015
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(MAHAVIR S. CHAUHAN)
JUDGE