

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

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**Crl. W. P. No. 1480 of 2014
Date of Decision : July 16, 2015**

Davinder Singh @ Happy

..... Petitioner

VERSUS

State of Punjab & Ors.

..... Respondents

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

Present : Mr. J.S.Bains, Advocate, for the petitioner.

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

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

Prayer made in the present petition filed by Davinder Singh @ Happy under Articles 226/227 of the Constitution of India read with Section 3(1) (d) of Punjab Good Conduct Prisoners (Temporary Release) Act, is for grant of parole for a period of four weeks to meet his family members.

The petitioner stands convicted in FIR No.68 dated 29.04.2011, registered at Police Station Ahmedgarh, for the offences under Sections 302, 120-B, 201 IPC and sentenced to undergo imprisonment for life.

According to the petitioner, he had applied for his release on parole to meet his family members. Along with his request he had submitted the Panchayatnama. The parole case of the petitioner was initiated on 11.04.2014. However, later on, he learnt that his parole case had been rejected on 06.08.2014 on the ground that there was danger to breach of peace in case he is released on parole.

A perusal of the order dated 06.08.2014 (Annexure P/1) passed by the

District Magistrate, Ludhiana, reveals that though the case of the petitioner for parole

for four weeks was sent to Senior Superintendent of Police, Khanna, but on receipt of the report from the Station House Officer, the case was not recommended on the ground that after coming out on parole the petitioner is likely to disturb the peace of the village.

Reply has already been filed on behalf of respondents No. 1 and 2. On the last date of hearing the learned State counsel had sought time to file reply on behalf of respondents No. 3 and 4, also. The said reply has been filed today, which is taken on record. In para 7 of the reply on merits it has been mentioned that the recommendation made by the Gram Panchayat is a matter of record. However, the contents of the same were admitted. It has also been mentioned that during the enquiry it was found that there would be breach of peace of the general public in case the petitioner was released on parole.

Nothing has been stated by the respondents from which it can be assessed that in case the petitioner is released on parole there would be danger to the peace. Merely because the petitioner was convicted for life imprisonment is no ground to come to the conclusion that the petitioner is likely to disturb the peace of the village after being released on parole. Further, respondents No. 3 and 4 have admitted the contents of the Panchayatnama, whereas it is stated that there would be no danger to peace or security of the State in the event of the petitioner coming out on parole and the inhabitants of the village have taken responsibility that there would be no danger to peace or security of State in case the petitioner is released on parole.

Under these circumstances the reasoning given by respondents No. 3 and 4 in not recommending the case of the petitioner for his release cannot be accepted.

Resultantly, the petition is disposed of by directing respondents No. 3 and 4 to re-examine the request of the petitioner for release on parole but without being influenced by the earlier report of the respondents. It would be expected of respondents No. 3 and 4 to complete the necessary exercise within six weeks from the date of receipt of certified copy of this order.

(T.P.S. MANN)
JUDGE

July 16, 2015
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(MAHAVIR S. CHAUHAN)
JUDGE