

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No. 1917 of 2014
Date of Decision:- 22.09.2015

Baljit Singh

....Petitioner

Versus

U.T. of Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. H.S. Jaswal, Advocate,
for the petitioner.

Mr. Sukant Gupta, PP,
for respondent Nos.1 and 2.

Mr. Varun Sharma, A.A.G., Punjab
for respondent Nos.3 and 4.

SHEKHER DHAWAN, J.

Present petition under Section 482 Cr.P.C. for quashing/setting aside the order dated 10.12.2014 (Annexure P-4) whereby the claim of the petitioner for grant of 42 days (6 weeks) parole for agricultural operations has been rejected in an illegal manner and further prayer for issuance of direction to respondent No.1 to re-consider the parole case of the petitioner.

2. As per petitioner, he is involved in case bearing FIR No.54 dated 03.01.1995, under Sections 382, 397, 411 and 452 IPC, registered as Police Station Section 34, Chandigarh and has been convicted and sentenced for seven years and is undergoing his sentence of imprisonment in Model Jail, Chandigarh. On 15.12.2014, petitioner approached and

moved an application for 42 days (06 weeks) parole. Vide order dated 17.09.2014, respondent No.2 was requested to seek clarification from respondent No.3, as the report of respondent No.3 (District Magistrate) was silent about agriculture ground. However, respondent No.3 submitted the report, vide letter dated 18.11.2014 that in view the said report submitted by the respondent No.4 (S.S.P, Tarn Taran), the release of petitioner on parole is not recommended. Thereafter, respondent No.1 rejected the claim of petitioner on 10.12.2014 in view of report submitted by respondent No.3 on the basis of report made by respondent No.4.

3. Learned counsel for the petitioner submitted that prior to that, petitioner has availed 42 days parole for the same purpose and surrendered before the jail well in time on 17.12.2013 as is evident from report dated 02.07.2014. During parole period, petitioner never tried to associate with the smugglers, murderers and was not involved in any other criminal activities. More so, as per Section 6 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the consultation with District Magistrate not necessary whereby the State Government is satisfied that the prisoner maintained good conduct during the period of his earlier release.

4. Having considered the submissions made by learned counsel for the parties and the fact that the petitioner has applied for agricultural parole for 42 days (06 weeks). He has recently availed parole as well and there is nothing on file that his conduct was not good during the period of parole. More so, petitioner was involved in some more cases earlier is no ground to refuse parole to the petitioner for any breach of peace on the basis of said registered cases.

5. In view of above, present petition accepted thereby quashing the order dated 10.12.2014 (Annexure P-4) and respondent(s)-State is directed to reconsider the case of petitioner for release on parole.

September 22, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE