

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

232

Criminal Writ Petition No.1111 of 2015

Date of decision: September 08, 2015

Deepak Kumar

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Ms. Bhupinder Pal Kaur Brar, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Article 226 of the Constitution of India for setting aside order/letter dated 07.10.2014(Annexure P-2) issued by District Magistrate, Amritsar whereby the claim of the petitioner for release on parole has been rejected. A prayer has also been made for issuance of direction to the respondents to release the petitioner on parole for a period of four weeks for repair of his house and for meeting his family members in view of Section 3(1)(d) of the

Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

While issuing notice of motion on 31.07.2015, learned State counsel was directed to verify as to whether the petitioner owns a house or any repair is required or not.

In response thereto, Status report by way of an affidavit of Assistant Commissioner of Police, North, Amritsar City has been filed which is already on record.

Learned State counsel, on the basis of status report, submits that on spot verification of the house, it has been revealed that the house is well built and two rooms have been given on rent. He also submits that the remaining portion of the house is occupied by wife of the petitioner and she is residing along with her daughters. He also submits that building of the house is presently in good condition and does not need any repair.

Heard arguments advanced by learned State counsel and have also perused the impugned order as well as documents available on record.

Admittedly, the case of the petitioner for grant of parole is covered by the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and the petitioner is entitled for parole for any specific purpose including repair of the house and even for meeting his family members. The case of the petitioner has simply been rejected on the ground that the house does not require any repair. It is not the case of the respondent that the petitioner has misused any concession given to him or has committed any Jail offence. Three cases of NDPS Act have been reflected against the petitioner in the status report wherein he has already

completed his sentence. It has been mentioned in the Panchayat Nama(Annexure P-1), signed by members of the Nagar Panchayat that the house of the petitioner has been badly damaged and there is no other male member for getting the house repaired. It has been recommended by the members of the Nagar Panchayat that there is no apprehension of breach of peace and the house of the petitioner requires repair. It has simply been stated in the status report that the house is in fit condition which cannot be accepted as house repair does not mean that it is to be in damage/bad condition. The repair of the house includes to maintain the house and as such, the claim of the petitioner for grant of parole has wrongly been rejected.

In view of the facts as mentioned above, the present petition is allowed and the petitioner is directed to be released on parole for a period of four weeks. Respondent No.2-Superintendent, Central Jail, Amritsar is directed to release the petitioner on parole for a period of four weeks subject to furnishing bail/surety bonds to its satisfaction. The petitioner is also directed to surrender before the jail authorities on completion of period of four weeks of parole.

(DAYA CHAUDHARY)
JUDGE

September 08, 2015

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