

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

CRWP-29-2015 (O&M)

Date of Decision : 24.04.2015

Sunil Rana

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE R.P. NAGRATH

Present : Mr. D.J. Sharma, Advocate for
Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

R.P. NAGRATH, J. (ORAL)

Reply by way of affidavit of Lalit Kumar Kohli, Deputy Superintendent, (Officiating Superintendent) Central Jail, Ferozepur and that of District Magistrate, Ferozepur have been filed.

Prayer in the instant petition under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. is for issuance of a direction to the respondents to grant four weeks parole to the petitioner under Section 3(1)(d) of the Punjab Goods Conduct Prisoners (Temporary Release) Act, 1962 and to set aside the order dated 20.6.2014 (Annexure P-2) vide which the District Magistrate has refused to grant approval for release of the petitioner on four weeks parole.

I have heard learned counsel for the petitioner and the learned State counsel and have gone through the paper book.

It seems that the main reason for refusal of parole of the

petitioner is that mother of petitioner, namely, Chhindo has been declared proclaimed offender. The petitioner, however, who is husband of the deceased was arrested and he was convicted of the charges framed against him. The fact that accused Chhindo, who is aunt i.e. Sister of the father of the petitioner, is a proclaimed offender, is not a legal and valid ground for refusing the parole.

Learned counsel for the petitioner submits that Chhindo is not the natural mother of the petitioner and according to the reply filed by the State, Chhindo is the adoptive mother of the petitioner.

Learned State counsel, however, submits that now the matter is being considered afresh for release of the petitioner on parole and the case is being again sent to District Magistrate, Ferozepur after looking into the same.

In view of the aforesaid discussion, the impugned order dated 20.6.2014 (Annexure P-2) is set aside and it is directed that the matter with regard to the grant of parole to the petitioner be considered afresh and the same be decided expeditiously, preferably, within a period of two weeks from receipt of certified copy of this order.

(R.P. NAGRATH)
JUDGE

24.04.2015
'SP'