

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.630 of 2015

Date of decision: December 02, 2015

Kuldip Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for quashing/setting aside the impugned order dated 08.04.2015 (Annexure P-3) passed by respondent No.3 whereby the parole case of the petitioner has been rejected and for grant of emergency parole for four weeks under the provisions of Section 3(1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

Notice of motion was issued and learned State counsel appeared and contested the petition and also filed the reply.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the impugned order dated 08.04.2015 (Annexure P-3) passed by Deputy Commissioner, Tarn Taran, the parole to the petitioner was declined as in the letter dated 18.03.2015 sent by Senior Superintendent of Police, Tarn Taran, it has been stated that there is danger to the law and order on the release of convict. The convict while on parole can involve in similar activities and hence, SSP has not recommended for the release of the convict on parole.

In the reply, the State stated that as there is danger to law and order as per the report of SSP, therefore, the release of convict-petitioner on parole has not been recommended. In para No.5 of the reply, it is admitted that Panchayat members and his villagers have no objection if the petitioner is released on parole. It is also stated that the petitioner has already availed 4 paroles from 14.02.2008 to 30.01.2010 for 3 months and 22 days.

The perusal of the reply shows that the convict-petitioner has already availed benefit of parole 4 times. There is nothing on the record nor stated in the reply that he ever created any law and order problem. It is argued by learned counsel for the petitioner that there is no other case against the petitioner nor any incident has been reported of any type during the earlier parole period when the petitioner was released.

Keeping in view the fact that there is nothing on the record to show that petitioner is threat to law and order, and the general averment by the SSP while sending the report to the District

Magistrate that there is threat to law and order if the convict is released on parole or he can involve in similar activities, is without any basis. As already discussed, the petitioner has not entered into similar activities or has done anything, from which he can be held as danger to law and order, when he was earlier released on parole for 4 times. Furthermore, the village Panchayat has no objection to the release of the petitioner on parole, which means that they are not feeling any threat to law and order or any other similar activity by the petitioner.

In view of the above discussion, I find merit in the present petition and the same is accepted. The impugned order dated 08.04.2015 based on the report of SSP, Tarn Taran is not as per law and the same is set aside. The competent authority is directed to reconsider the request of the convict-petitioner for grant of parole in view of the above findings of this Court, within a period of one month after receiving the certified copy of this order.

December 02, 2015
Vgulati

(INDERJIT SINGH)
JUDGE