

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

LPA No.1470 of 2015(O&M)

Date of decision:20.10.2015

Abdul Latif

....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. R.S. Bains, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 02.07.2015 whereby the criminal writ petition filed by the appellant for grant of parole was dismissed.

The appellant was convicted for offences under Section 4 of the Anti-Hijacking Act, 1982 and Sections 302, 307, 363, 342, 467, 506, 120-B of Indian Penal Code (for short 'IPC') as well as Section 25 of the Arms Act, 1959, read with Section 120-B IPC. The appellant was convicted by learned Special Judge, Patiala on 05.02.2008 whereas the appeal filed by the appellant bearing CRA No.292-DB of 2009 against the said judgment stands dismissed by this Court on 25.02.2014. As per the appellant, he has filed further appeal before the Hon'ble Supreme Court which is pending consideration.

The appellant has sought parole for the reason that his mother is 90 years of age and that he would like to meet her.

The grant of parole is regulated by the provisions of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act'). Section 3 thereof permits temporary release of prisoners on certain grounds which include death or illness of member of the family or marriage of the prisoner's son or daughter or it is desirable to do so for any other sufficient cause. However, it is Section 6 of the Act which confers right on the State Government to decline release of parole if the release is likely to endanger the security of the State or the maintenance of order.

Section 6 of the Act reads as under:-

“6. Prisoners not entitled to be released in certain cases.- Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or an officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.”

The appellant stands convicted for the serious offences under the Anti Hijacking Act, 1982 and for the offences under Sections 302, 307, 363, 342, 467, 506, with the aid of Section 120-B IPC. The appellant is not an ordinarily resident within the jurisdiction of this Court, though his trial was conducted at Patiala as the First Information Report was lodged within the jurisdiction of this Court.

Keeping in view the gravity of the allegations levelled against the appellant, his role in the commission of crime and that the ground on which he seeks release does not warrant acceptance of the request of the petitioner for release of parole. The parole is a concession which can be

granted if the State Government is satisfied that such release on parole is necessary without endangering the security of the State. The facts of the present case does not warrant release of the appellant on parole.

In view of the above, we do not find any merit in the present appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 20, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE