

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Writ Petition No. 1533 of 2015

Date of Decision: 08.09.2016

Rajinder Kumar

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

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

Mr. Gaurav Garg Dhuriwala, Deputy Advocate
General, Punjab for the respondent.

Mahesh Grover, J.

This is a prayer for release of the petitioner on parole for a period of four weeks for repair of his house, which according to the report, indicates that the ground floor does not warrant any repair, although one room on the first floor required attention.

The prayer for release of petitioner on parole has been rejected on the ground that he belongs to the border area and there is likelihood of his indulging in similar activities of the kind for which he has been convicted.

It is, however, categorically stated by learned counsel for the respondents that no other case is pending against the petitioner. Affidavit of Gurmeet Singh Cheema, Deputy Superintendent of Police, Sub Division, Ajnala, to this extent has been filed today in the Court and the same is taken

on record.

After hearing learned counsel for the parties, we are of the opinion that prayer for release of the petitioner on parole cannot be denied on a ground that there is an apprehension of the petitioner coming in a conflict with law, unless there is a cogent and sufficient material to warrant such an apprehension. Merely, because the petitioner belongs to a border area would be of no consequence. Consequently, we set aside the impugned order and direct the respondent-authorities to re-consider his case for the grant of parole to the petitioner on the ground stated in the petition. Needful be done expeditiously but positively within a period of three weeks from the date of receipt of a certified copy of this order.

In view of above, the instant petition stands disposed of.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

September 08, 2016
“DK”

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No