

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

**Criminal Writ Petition 1613 of 2015**

Date of Decision : May 2, 2016

|                                  |                  |
|----------------------------------|------------------|
| Rinku @ Rinka @ Lakhwinder Singh | ...Petitioner    |
| <b>VERSUS</b>                    |                  |
| State of Punjab and others       | .....Respondents |

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN  
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. Sameer Sachdeva, Advocate

Dr. Deipa Singh, Addl. Advocate General, Punjab.

**T.P.S. MANN, J. (Oral)**

The petitioner, who is undergoing life imprisonment in FIR No. 49 dated 26.3.2006 under Sections 302, 392 and 148 IPC, Police Station Majitha and confined in Central Jail, Amritsar has filed the present petition under Articles 226/227 of the Constitution of India for issuance of appropriate writ, order or direction in the nature of certiorari/mandamus, for quashing the order dated 17.10.2014 (Annexure P1) passed by the District Magistrate, Amritsar, whereby, application filed by him for his release on parole stood declined.

According to the petitioner, his house is in a dilapidated condition, which requires immediate repairs. In order to carry out the repairs, he submitted application to the Superintendent, Central Jail, Amritsar for his release on parole

which was forwarded to the District Magistrate, Amritsar for according approval. The District Magistrate referred the matter to the Senior Superintendent of Police, Amritsar (Rural) for enquiry and report. Subsequently, vide letter dated 11.10.2014, the Senior Superintendent of Police after noticing that there was serious apprehension of law and order problem in case the petitioner was released on parole, he could abscond and also that majority of the villagers did not recommend his release on parole beside the fact that he has a very small house where no other member of his family resides and his old grand-mother was residing at some unknown place, did not recommend his case for release on parole. The said report was accepted by the District Magistrate Amritsar who vide order dated 17.10.2014 (Annexure P1) declined the request of the petitioner for release on parole.

Upon notice, reply was filed on behalf of the respondents, wherein, it was mentioned that the parole case of the petitioner was initiated by the District Magistrate Amritsar. However, on account of there being danger to the security of the State and to the maintenance of public order in the event of petitioner being released on parole, his case for release on parole was not recommended.

On the last date of hearing, learned counsel for the petitioner submitted that the District Magistrate did not take into

consideration the fact that there was no past history of the petitioner misusing the concession of parole. He further stated that the petitioner was behind the bars as a convict for the last about four years. Accordingly, learned State counsel sought time for obtaining instructions as to whether the petitioner had ever been released on parole or not.

Pursuant to the above, fresh reply has been filed on behalf of the respondents, wherein, it is mentioned that Kashmir Kaur, complainant in the criminal case, in which, the petitioner stood convicted and sentenced, had stated that there was danger to her life and that of her family in the event of the petitioner being released on parole as he was very dangerous, anguish and revengeful person and habitual to snatching, robbery etc. Further, no person was taking responsibility for release of the petitioner on parole and return to jail after parole. He can again do such crime on parole due to which there is a threat to the security of the State and maintenance of public order. For those reasons, his case for release on parole was not recommended.

Though complainant Kashmir Kaur has expressed danger to her life as well as that of her family in the event of the petitioner being released on parole yet that is not sufficient to deny the concession to him as the complainant would always apprehend danger to her life and that of her family at the hands of

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the accused. However, taking into consideration the fact that there is no person in the village of the petitioner to take responsibility for the petitioner in the event of his release on parole and his return to jail after parole. Going by the material, which has been collected by the respondent, there is every likelihood of danger to security of the State and maintenance of public order in the event of the petitioner being released on parole. Therefore, the authorities were perfectly justified in not recommending his release on parole.

The petition is without any merits and, therefore, dismissed.

**( T.P.S. MANN )  
JUDGE**

**May 2, 2016**  
amit rana

**( RAMENDRA JAIN )  
JUDGE**