

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

Criminal Writ Petition No. 1025 of 2016 (O&M)

Date of decision : August 12, 2016

Sukhdarshan Singh @ Darshi and anotherPetitioners

Versus

State of PunjabRespondent

**CORAM:- HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MRS. JUSTICE LISA GILL**

Present: Ms. Rishma Verma, Advocate
for the petitioners.

Ms. Ritu Punj, Additional AG, Punjab.

S.S. SARON, J.

Learned counsel for the State has filed a short reply by way of affidavit to the petition by way of affidavit of Ms. Rupinder Kaur Sra, PPS ACP, (West), Ludhiana. The same is taken on record.

Heard, learned counsel for the parties.

Criminal writ petition has been filed by Sukhdarshan Singh alias Darshi and Baljit Singh alias Rangi sons of Randev Singh seeking extension of period of parole that has been granted. Sukhdarshan Singh alias Darshi (Petitioner No. 1) has been released on temporary parole from 01.07.2016 and he is to surrender on 13.08.2016. Baljit Singh alias Rangi (petitioner No. 2) has been

released on parole on 05.07.2016 and he is to surrender on 17.08.2016. Both the petitioners have been convicted and sentenced in case FIR No. 133 dated 29.05.2007 registered at Police Station Division No. 5, Ludhiana for the offences under Sections 148, 149, 302, 307, 324, 323 and 506 IPC, besides, Sections 25 and 27 of the Arms Act. The petitioners are undergoing their life imprisonment in the said case.

The reasons for seeking extension of parole are that Sukhdarshan Singh @ Darshi (petitioner No. 1) availed cash credit limit for agricultural purposes of Rs. 2 lakhs from the Bank of India in the month of November, 1999. He mortgaged his land vide mortgage deed No. 3022 dated 22.11.1999 as mentioned in the copy of the plaint of the civil suit filed by the said bank. Besides, cash credit limit of Rs. 20 lakhs was availed from the State Bank of Patiala by both the petitioners for running the business. The State Bank of Patiala has filed an original application before the Debt Recovery Tribunal-II against Baljit Singh alias Rangi (petitioner No. 2) and his company M/s Rangie Textiles Private Limited. The petitioners have obtained loans from the various banks. The extension of parole is required to save their house and property and also the land, otherwise the same would be sold out by the Bank in the execution proceedings.

In terms of reply that has been filed by Ms. Rupinder Kaur Sra, PPS ACP, (West), Ludhiana, it is submitted that information has been collected from different banks whose loan amount is outstanding against the petitioner and his father Randev Singh and M/s Rangie Textiles Private Limited. The details of the banks' seven

accounts, which are detailed in Annexure R-1 and R-7, have been attached. Therefore, it is evident that loan accounts are outstanding against the petitioners and they would have to settle the matter so as to avoid the sale of their house and property. As already noticed that the petitioners are to surrender back in jail on 13.08.2016 and 17.08.2016 respectively.

The provisions of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act') provides for temporary release of prisoners on certain grounds. In terms of said provision, the State Government in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any person if the State Government is satisfied that it is desirable so to do for any other sufficient cause. In terms of sub-section (2) (a) of the Act, it is provided that notwithstanding anything contained in sub-section (2) where a prisoner undergoing a sentence of life imprisonment, is to be released on the ground specified in clause (d) of sub-section (1), he may be released for a period of six months or less in parts, during the five years.

Learned counsel for the petitioners has prayed for extension of parole of six weeks.

Keeping in view the need of the petitioners and to save their property, it would be just and expedient to extend the period of parole for a period of another six weeks from 13.08.2016 and 17.08.2016 respectively. The bails bonds and surety furnished by the petitioners shall continue to remain operative for the period of their

parole till they surrender back in jail.

Accordingly, the writ petition is allowed.

(S.S. Saron)
Judge

August 12, 2016
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes