

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No.1047 of 2016

Date of Decision : December 07, 2016

Ravdeep Kaur

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Arjun Sheoran, Advocate
for the petitioner.

Dr. Deipa Singh, Additional Advocate General, Punjab.

T.P.S. MANN, J.

The petitioner, who stood convicted in case FIR No.321 dated 14.10.2005 under Sections 302/120-B IPC, Police Station Civil Lines, Patiala and presently undergoing the sentence of life imprisonment imposed thereunder, has filed the present petition under Articles 226 and 227 of the Constitution of India, wherein she has prayed for issuance of direction to the respondents to release her on parole/furlough.

According to the petitioner, her old and aged mother is suffering from various age related ailments like diabetes, hypertension, heart problems, etc. Accordingly, she submitted an application to the Jail Authorities for releasing her on parole/furlough.

Vide letter dated 2.3.2016 (Annexure P-1), the Jail

Superintendent apprised the District Magistrate, Patiala that she was

earlier released on parole for two weeks on 6.12.2014, which was to last upto 21.12.2014. However, she disobeyed the condition requiring her to surrender on completion of the period for which she was released on parole and, accordingly, case stood registered against her at Police Station Lahori Gate, Patiala under Sections 8 and 9 of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 (for short 'the Act'). Further, the police arrested her and after being presented before the Chief Judicial Magistrate, Patiala, she was sent to the jail on 6.2.2015. Keeping in view the apprehension of breach of peace and of public order, it was recommended that she be not released on parole.

According to the petitioner, her mother and the residents of her colony had recommended for releasing her on parole. Those residents have no objection in case she is released on parole. The petitioner has appended copy of the panchayatnama with the petition as Annexure P-2.

Upon issuance of notice by this Court, joint reply was filed by respondents No.1 to 3, wherein it was mentioned that the petitioner who stood admitted in Central Jail, Patiala was convicted on 28.11.2014 in case FIR No.321 dated 14.10.2005 under Sections 302, 34, 109, 115 and 120-B IPC, Police Station Civil Lines, Patiala. She was convicted on 30.3.2012 and sentenced to undergo life imprisonment which would extend to full life. Appeal filed by her against conviction and sentence stood admitted before this Court. It was also stated that on her request, she was released on parole for two weeks on 6.12.2014 with the direction to surrender at jail gate on 21.12.2014. However, she did not

surrender at the jail gate on the stipulated date. The concerned authorities were intimated by the Jail Superintendent regarding her jumping the parole with request to arrest her for undergoing the remaining part of her sentence. The District Magistrate, Patiala was also requested to forfeit the personal/surety bonds. Consequent to the same, FIR No.123 dated 22.12.2014 was registered under Sections 8 and 9 of the Act and Sections 467, 468 and 471 IPC at Police Station Lahori Gate, Patiala. It was also stated that she was arrested and re-admitted in the jail on 6.2.2015 as an under trial in FIR No.123 dated 22.12.2014 and as a convict in the main case arising out of FIR No. 321. Further, the petitioner had again requested for six weeks' parole. Her application was forwarded by the Jail Superintendent, Patiala to the District Magistrate, Patiala with the request to conduct the verification. The District Magistrate, thereafter, directed the Senior Superintendent of Police, Patiala to send the report after verifying the parole case of the petitioner. Vide letter dated 15.6.2016, the Jail Superintendent again requested the District Magistrate to consider the case of the petitioner for her release on parole. Vide letter dated 19.7.2016, the District Magistrate, Patiala rejected the parole case of the petitioner for the reason that the Senior Superintendent of Police, Patiala had not recommended her release on parole.

Separate reply has also been filed by the District Magistrate-cum-Deputy Commissioner, Patiala, wherein also the aforementioned facts, as mentioned in the reply of respondents No.1 to 3, have been reiterated. The District Magistrate has also incorporated the report of

the Senior Superintendent of Police, Patiala, wherein it was stated that the petitioner was earlier released on parole for two weeks on 6.2.2014 on compassionate grounds and was to return to jail on 21.12.2014. However, she was missing from her residence on 15.12.2015. Since she did not return to the jail from parole on 21.12.2014, FIR No.123 dated 22.12.2014 was registered at Police Station Lahori Gate, Patiala against her. She was arrested in this case with great hardship from Nepal border on 4.2.2015 and, thereafter, sent to Central Jail, Patiala. Apart from this, the Assistant Inspector General of Police, CID (Zonal), Patiala had also reported about her not returning in time from parole and in case she is again released on parole as per her demand, she would go into hiding as was done by her earlier and would try to leave the country illegally. Keeping in view the report of the Senior Superintendent of Police, the District Magistrate, Patiala did not feel himself convinced to release her on parole. She had misused the earlier parole and after great efforts she was arrested from Nepal border by the local police of Patiala. She could also cause harm to the family members of deceased Vijay Singh, Judge after coming on parole or may try to escape from India illegally to avoid undergoing the sentence of life imprisonment till death.

Learned counsel for the petitioner has submitted that the request of the petitioner for releasing on parole could be declined by the authorities only on the grounds mentioned under Section 6 of the Act, i.e. when her release is likely to endanger security of the State or the maintenance of public order. In this regard, he has placed reliance upon

the judgment of a Division Bench of this Court in Varun @ Gullu Vs. State of Haryana, Criminal Misc. No.M-34013 of 2009, decided on April 26, 2010.

In the present case, the petitioner had admittedly not surrendered on 21.12.2014 before the jail authorities on expiry of the period for which she was earlier released on parole. Before that on 15.12.2014, she was found missing from her residence, i.e. House No.19-A, Nihal Bagh, Patiala. Ultimately, when she did not return to the jail on 21.12.2014, FIR No.123 dated 22.12.2014 under Sections 8 and 9 of the Act was registered against her at Police Station Lahori Gate, Patiala. With great hardships, the police was able to arrest her from Nepal border and after being brought to Patiala, she was sent to the jail. The Assistant Inspector General of Police, CID (Zonal), Patiala has also reported that in case she is released on parole, she can go into hiding or conceal herself as was done by her earlier or even make an attempt to leave the country illegally. The Senior Superintendent of Police, Patiala has also not recommended her case for release on parole, she could cause harm to the family members of deceased Vijay Singh, a member of superior judiciary of Punjab or may try to escape from the country.

It may also be worthwhile to mention here that ASI Amarjit Singh, CIA Staff Patiala in his statement recorded by the police under Section 161 Cr.P.C. in case FIR No.123 dated 22.12.2004 has stated that on 3.2.2015, the petitioner was arrested by SI Shivinder Dev from Chaitti crossing, ITI, Kashipur and from her possession one bogus voter-card in the name of Arpita Jain, wife of Sushil Jain, resident of House No. 734,

New Gopal Nagar, Ward No.6, Jalandhar which bore the photograph of the petitioner was recovered. From the search of the bag which was in her possession, a sum of Rs.12,80,000/- of the denomination of Rs.1,000/- each, two gold coins, diamond and gold ornaments, weighing about 1kg.343 grams and stitched clothes were recovered.

From the aforementioned circumstances, this Court is of the view that in case the petitioner is released on parole, once again, she is likely to leave the country in an illegal manner and she may also cause some harm to the family members of the deceased. Therefore, it would not be appropriate to accept her request for release on parole.

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

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

December 07, 2016
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO