

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-842-2015 (O&M)

Date of Decision: August 3, 2016

Balbir Singh @ Bhutna @ Bira

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Balbir Singh Sewak, Advocate,
for the petitioner.

Mr. Arshvinder Singh, Addl. AG, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

M. JEYAPPAUL, J. (Oral)

CRM-W-194-2016:

The application is allowed. Reply by way of an affidavit filed by the respondents is taken on record.

CRWP-842-2015

The writ petitioner has sought quashing of the impugned order dated 28.4.2015 (Annexure P-2), and to release him on parole under Section 3(1)(c) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, to see his family and look after his residential house.

The respondents have filed reply by way of an affidavit, annexing Annexure R-1, giving details of the cases faced by the writ petitioner.

Learned counsel for the State filed a fresh Annexure R-1/T, i.e. list of twenty criminal cases registered against the writ petition. Learned counsel for the petitioner in the light of Annexure R-1/T brought to the notice of this Court that the writ petitioner was ultimately acquitted in FIR No. 82 of 1991 for the offences punishable under Sections 148, 302, 307 read with Section 149, IPC, and Section 25 of the Arms Act, registered at Police Station, Sadar, Jalalabad.

From the submissions made on either side, it came to light that the writ petitioner, who was convicted in two cases registered under the Arms Act and the Explosives Act and in a case under Section 307, IPC, had already undergone the sentence imposed in those respective cases. He was convicted in yet another case of murder, but the Appellate Court was pleased to acquit him in the said case. Except the present case, which has culminated into his conviction, no other case is pending against the writ petitioner.

The plea for parole to see his family was rejected by the authorities concerned on the ground that the writ petitioner used to participate in terrorist activities and his release on parole may disturb peace in the locality.

The fact remains that the writ petitioner has undergone seven years of imprisonment in the present case. He does not face any other

criminal case as on today. Though there is an observation by the authorities concerned that he may participate in terrorist activities, the fact remains that no case has been booked against the writ petitioner for commission of any offence bordering terrorist activities. In our considered view, his release on parole to associate himself with his family members would put him on the path of reformation.

In the above facts and circumstances, setting aside the impugned order passed by the authorities concerned, the respondents are directed to release the writ petitioner on parole for six weeks from the date when he is released on parole, on execution of surety bonds to the satisfaction of the District/Additional District Magistrate, Ferozepur. Writ petition disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

August 3, 2016
Pkapoor

Whether Speaking/Reasoned: ✓
YES / ~~NO~~

Whether Reportable: ✓
~~YES~~ / NO