

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1437 of 2016
Date of decision:23.11.2016

Gurtej Singh @ Teja

....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MS. JUSTICE LISA GILL

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

Ms. Ritu Punj, Addl. AG, Punjab for the State.

S.S.SARON,J.

Learned counsel for the State has filed reply by way of affidavit of Shri Hardeep Singh, PPS Superintendent District Jail, Sangrur on behalf of respondents No.1 to 3. The same is taken on record.

Heard learned counsel for the parties.

The criminal writ petition has been filed by the petitioner Gurtej Singh @ Teja seeking extension of three weeks parole which was granted to him on 22.10.2016 and is to expire on 13.11.2016. Extension of parole has been sought on the ground that wheat season is to start for which the petitioner is to carry out sowing operations; besides, his house in the village had fallen for which reconstruction is to be carried out. In support of his case, the petitioner placed on record copy of 'Jamabandi' (record of rights) for the year 2010-2011 (Annexure P-2) and photographs (Annexure P-4) showing the condition of his house. The village Gram Panchayat vide its report dated 05.11.2016 (Annexure P-5) strongly

recommended for maximum leave to the petitioner so as to enable him to carry out the aforesaid works.

Notice of motion was issued on 09.11.2016 for today and till date the parole that was granted to the petitioner in pursuance of Annexure P-1 was extended on the basis of personal bond and surety furnished by him which were ordered to remain operative.

In the reply that has been filed in Court today, report dated 17.11.2016 (Annexure R-1) in respect of the verification conducted by the SHO, Police Station, Dirba, District Sangrur has been placed on record. According to the said report, it has been stated that the petitioner has five acres of land of which two acres have been sown and three acres remain to be sown; besides, the petitioner is reconstructing his house which has been constructed to the extent of 30 per cent and 70 per cent remains to be constructed. The wheat sowing and construction of house remains to be carried out.

We have given our thoughtful consideration to the matter. The petitioner while undergoing his imprisonment in consequence of his conviction on 25.11.2014 for the offences punishable under Sections 302, 148 and 149 of the Indian Penal Code was released on parole vide order Annexure P-1. He was released on parole on 22.10.2016 and he was to surrender back on 13.11.2016, which was extended till today.

Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 ('Act' - for short) provides for temporary release of prisoners on certain grounds. Section 3 (1) (c) of the Act enjoins that the State Government may, 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 prisoner if the State Government is satisfied that the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or any other land cultivated by him and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence.

In terms of Section 3 (2) (b) of the Act, it is provided that the period for which a prisoner may be released shall be determined by the State Government so as not to exceed six weeks where the prisoner is to be released on the ground specified in clause (aa) or clause (b) or clause (c) or clause (d) of sub-Section (1).

The petitioner has been released on parole for three weeks only from 22.10.2016. The said release would be covered by Section 3 (1) (c) of the Act in which case he can be released for a period of upto six weeks.

Keeping in view the police verification report (Annexure R-1) as also the recommendation (Annexure P-5) of the Gram Panchayt, Ghorenab, Block Lehragaga, District Sangrur and the condition of the house of the petitioner as also the sowing of wheat that is to be carried out in his agricultural land, it would be just and expedient that the petitioner is granted parole for a period of six weeks, which would be in consonance with the provisions of Section 3 (1) (c) and Section 3 (2) (b) of the Act. The petitioner is already on parole from 22.10.2016 and he was to surrender back on

13.11.2016, which was extended till today. The period of six weeks would expire on 03.12.2016.

The criminal writ petition is accordingly disposed of with the direction that the parole granted to the petitioner shall stand extended till 03.12.2016 on the same terms and condition on which he was granted parole; besides, his personal bond and surety that he has furnished shall continue to remain operative till further orders.

The petitioner shall surrender back in jail positively on 03.12.2016.

(S.S. SARON)
JUDGE

23.11.2016
A.Kaundal

(LISA GILL)
JUDGE

Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : Yes