

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1462 of 2016
Date of decision:28.11.2016

Darshan SinghPetitioner

v.

State of Punjab and othersRespondents

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

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

Ms. Manisha Gandhi, Addl. AG, Punjab for the State.

S.S.SARON,J.

Learned counsel for the State has filed reply by way of affidavit of Shri Baljit Singh, PPS Officiating Superintendent District Jail, Sangrur on behalf of respondents. The same is taken on record.

Heard learned counsel for the parties.

The petitioner Darshan Singh by way of the present petition under Articles 226/227 of the Constitution of India read with the provision of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 ('Act' – for short) seeks extension of the period of parole granted to him vide Annexure P-1 for a further period of six weeks to enable him for the security and safety of his cows renovate and repair his dairy farm situated at Ward No.6, Village Dirba, Tehsil Sunam, District Sangrur and also to enable him to save his dairy farm by clearing all the dues/debts of the Bank by approaching the Bank.

The petitioner is undergoing life imprisonment in case FIR No.35 dated 28.02.2013 registered at Police Station Dirba, District Sangrur for the offences punishable under Sections 302, 148 and 149 of the Indian Penal Code ('IPC' - for short). He was sentenced by the learned Additional Sessions Judge, Sangrur on 25.11.2014 to undergo life imprisonment. CRA No.D-25-DB of 2015 against his conviction and sentence is pending in this Court.

The petitioner was released on parole for a period of twenty one days on 26.10.2016. The parole period of the petitioner has since expired on 16.11.2016. He, however, filed the present petition which was taken up on 11.11.2016. It was submitted by learned counsel for the petitioner that the petitioner had been running a dairy farm and he had been served with a registered notice dated 05.11.2016 (Annexure P-3) stating that his account had been running irregular and a sum of Rs.2,96,948/- plus interest and other expenses were overdue. The account had become NPA/SUCA. It was submitted that extension of parole may be given to the petitioner so that he could enter into a one time settlement with the State Bank of Patiala, Dibra Branch.

Notice of motion was issued on 11.11.2016 for today and till the adjourned date, the temporary release that was granted to the petitioner vide order (Annexure P-1) was extended on the basis of surety and personal bond furnished by him which were ordered to remain operative.

In terms of the reply that has been filed in Court today, it has inter alia been stated that verification regarding the renovation of dairy farm of the petitioner and repayment of the loan by the

petitioner was got conducted by the SHO Police Station Dibra, District Sangrur. As per the report of the SHO, Dibra, the dairy farm of the petitioner was in a dilapidated condition which needed repair; besides, a loan of Rs.45.00 lacs had been taken from the State Bank of Patiala, Branch Dibra. He had become a defaulter in repayment of loan and the installment of Rs.2,96,000/- were overdue to his account, which had become NPA/AVC/SMA. Some cows were also suffering from disease; besides, it is stated that there would be no apprehension of breach of peace if his parole was extended. The local residents of the village and the local police had no objection if his parole was extended. The report of SHO Police Station Dibra is annexed as Annexure R-1.

It is also submitted that the petitioner has already availed parole for 84 days in this calendar year.

We have given our thoughtful consideration to the contention of learned counsel for the parties.

Learned counsel for the State has submitted that the petitioner has availed parole for 84 days in the current calendar year. Therefore, in terms of Section 3 (2-A) of the Act he is not entitled to further extension of parole. The said Section 3 (2-A) of the Act reads as under:-

“ The total period of temporary release of the prisoner, excluding the temporary release availed of on the death of family member of the prisoner and the temporary release availed of by a female prisoner on account of delivery of child, shall not exceed twelve weeks during a calendar

year and shall be availed of on quarterly basis:

Provided that any prisoner who is on temporary release for a specified period and wants to surrender to jail before the expiry of his temporary release period, he shall be allowed to do so."

In terms of the above, it is provided that the total period of temporary release of a prisoner is not to exceed 12 weeks during a calendar year and it is to be availed of on quarterly basis.

The petitioner as already noticed has availed 84 days of parole i.e. seven weeks. Therefore, the petitioner having exhausted his parole in this current calendar year, he is not entitled for further extension.

In the circumstances, the writ petition is dismissed. The petitioner shall surrender back in jail tomorrow i.e. 29.11.2016.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

28.11.2016
Sheetal

Note:

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