

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

Crl. Writ Petition 965 of 2015

Date of Decision : January 27, 2016

Charnjit Singh @ Channa

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. A.S.Trikha, Advocate
for the petitioner.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S. MANN, J.

Petitioner-Charnjit Singh @ Channa, who stands convicted in FIR No. 40 dated 19.4.2010 under Sections 364/302/120-B/210 IPC registered at Police Station Kartarpur, District Jalandhar and sentenced to undergo imprisonment for life, has filed the present petition under Article 226 of the Constitution of India with a prayer that order dated 7.4.2015 (Annexure P-1) passed by the District Magistrate, Jalandhar be quashed and set-aside.

Vide impugned order, the District Magistrate while dealing with the application of the petitioner for parole in order to meet the members of his family did not recommend his release after observing that in the event of the petitioner being released on parole, he was likely to commit an offence and also likely to abscond.

According to the petitioner, he is in jail ever since his conviction and sentence in the aforementioned case. He has maintained good conduct during his stay in the jail. The petitioner submitted an application for release on parole for four weeks in order to meet the members of his family. The said application was duly supported by the Panchayat of his village by way of Panchayatnama (Annexure P-2). It was mentioned therein that there would be no objection to any of the residents of the village in case the petitioner was released on parole and that would also not result in any danger or breach of peace.

Upon notice, reply was filed by respondent No.2-Superintendent, Central Jail, Jalandhar (At Kapurthala), wherein it was mentioned that the District Magistrate forwarded the application of the petitioner to the Senior Superintendent of Police, Jalandhar (Rural) for enquiry during which it was found that apart from the aforementioned case, the petitioner was involved in two more criminal cases i.e. FIR No. 66 dated 4.4.2010 under Sections 382/395 IPC, Police Station Shahkot, District Jalandhar and FIR No. 72 dated 25.6.2010 under Section 307 IPC, Police Station Kartarpur. Further, there was likelihood of danger to law and order in the event of the petitioner being released on parole. The petitioner while on parole could indulge in similar activities besides absconding from the process of law.

As the Senior Superintendent of Police, Jalandhar did not recommend the release of the petitioner on parole, the District Magistrate declined to order the release of the petitioner on parole.

Having heard learned counsel for the parties, this Court finds that while not recommending the case of the petitioner for release on parole, the District Magistrate, Jalandhar did not refer to any material from which it could be inferred that in the event of the petitioner being released on parole, he was likely to commit similar offences or abscond. Vaguely it has been stated that the petitioner could commit any other crime or escape from the process of law. It appears that the District Magistrate, Jalandhar was swayed by the fact that the petitioner was involved in three criminal cases. In FIR No. 40 dated 19.4.2010, the petitioner already stands convicted and sentenced and has filed the appeal which stands admitted. As regards the other two criminal cases, i.e. FIR No. 66 dated 4.4.2010 and FIR No. 72 dated 25.6.2010, the State counsel, after obtaining instructions, has stated that the petitioner stands acquitted in FIR No. 66 dated 4.4.2010, whereas in FIR No. 72 dated 25.6.2010, he stands convicted and sentenced to undergo imprisonment for five years.

As of date, the petitioner is not facing trial in any criminal case. He stands convicted and sentenced in FIR No. 40

dated 19.4.2010 and FIR No. 72 dated 25.6.2010, whereas acquitted in FIR No. 66 dated 4.4.2010. Merely because the petitioner stands convicted and sentenced in two criminal cases is no ground to come to the conclusion that in case the petitioner is released on parole, he is likely to indulge in criminal activities or escape from the process of law.

In view of the above, impugned order dated 7.4.2015 (Annexure P-1) passed by the District Magistrate, Jalandhar is set-aside and a direction is issued to District Magistrate, Jalandhar to consider the matter afresh and dispose of the application of the petitioner for release on parole in accordance with law.

The petition is, accordingly, disposed of.

**(T.P.S. MANN)
JUDGE**

January 27, 2016
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**(RAMENDRA JAIN)
JUDGE**