

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrWP No.1534 of 2016
Date of decision: 07.12.2016

Mandeep Singh @ Dharu

.... Petitioner

Versus

State of Punjab and Others

.... Respondents

CORAM: Hon'ble Mr. Justice S.S. Saron.
Hon'ble Ms. Justice Lisa Gill.

Present: Mr. Aakash Singla, 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 short affidavit of Shri Hardeep Singh, PPS, Superintendent, District Jail, Sangrur, which is taken on record.

Heard learned counsel for the parties.

The petition has been filed by the petitioner Mandeep Singh alias Dharu under Articles 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure and Section 3 (1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 seeking four weeks parole for the purpose of arranging and performing his own marriage, which is to be solemnized on 20/21.12.2016 and the marriage ceremonies are scheduled to commence from 14.12.2016.

The petitioner has been convicted and sentenced on 24.11.2015 by the learned Additional Sessions Judge, Moga in case FIR No.43 dated 23.04.2010 registered at Police Station Badhni Kalan, District Moga for the offences punishable under Sections 148, 302, 307, 379 read with Section 149 of the Indian Penal Code ('IPC' - for short);

besides, Section 25 of the Arms Act. He has been sentenced to undergo

rigorous imprisonment for life; besides, pay a fine of Rs.32,000/- and in default thereof undergo rigorous imprisonment for eight months. Against his said conviction and sentence, CRA No.D-1743-DB of 2015 is pending in this Court.

It is submitted that marriage of the petitioner is to be solemnized on 20/21.12.2016 and the marriage ceremonies are scheduled to commence from 14.12.2016. Photocopy of the wedding card (Annexure P-1) has been placed on record.

In terms of the reply that has been filed by Shri Hardeep Singh, PPS Superintendent District Jail, Sangrur, the involvement of the petitioner in four other cases has been mentioned. Besides, it is submitted that verification regarding the marriage of the petitioner was got conducted through the Senior Superintendent of Police, Moga. According to the report, it was found that the petitioner along with his six accomplices had committed the murder of Rachhpal Singh, Sarpanch son of Puran Singh resident of Daudhar Garbi on 22.04.2010. Case FIR No. 43 dated 23.04.2010 was registered against him at Police Station Badhni Kalan, District Moga for the offences under Sections 302, 307, 379, 148 and 149 IPC; besides, Sections 25 and 27 of the Arms Act. It is submitted that in the said case the petitioner has been convicted for life imprisonment twice and he is undergoing his sentence of imprisonment at District Jail, Sangrur. There are many other cases of murder and other offences are registered against him. His co-accused Jaswinder Singh alias Kaka son of Joginder Singh resident of Kotkapura had come out on parole but he did not return back to jail and absconded from parole.

The petitioner is stated to be a notorious gangster and also has relations with many gangsters. He wants to abscond in the garb of marriage. The complainant in the case also feels a threat from him and he may harm the complainant after absconding. As per verification that

has been conducted, it is submitted that there is no marriage ceremony of Mandeep Singh alias Dharu (petitioner) on 20/21.12.2016 and he wants to abscond only. Copy of the report (Annexure R-I) of the Senior Superintendent of Police has been placed on record.

The parole case of the petitioner was sent to District Magistrate, Moga by the Superintendent, District Jail, Nabha vide letter No.2050 dated 03.05.2016. However, keeping in view the recommendations made by Senior Superintendent of Police, Moga vide letter dated 09.09.2016, the District Magistrate vide letter dated 03.10.2016 (Annexure R-II) has rejected the parole case of the petitioner and he has been apprised about the same.

The Superintendent District Jail, Sangrur received a letter from the brother of the petitioner on 21.11.2016 for granting six weeks parole to the petitioner. The Superintendent District Jail, Sangrur vide letter dated 29.11.2016 (Annexure R-III) mentioned that the parole could not be granted to the petitioner as the District Magistrate, Moga had rejected the parole case of the petitioner.

In view of the reply by way of short affidavit, the position is that there is no marriage ceremony of the petitioner which is fixed for 20/21.12.2016. Learned counsel for the petitioner, however, disputes the said fact although it is accepted by him that disputed question of facts are not to be gone into in exercise of the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India. The reply and the documents submitted with the reply show that the respondents verified the fact that the marriage of the petitioner is not fixed for the date as has been stated; besides, the petitioner is involved in other cases, his co-accused Jaswinder Singh has already absconded and the authorities feel that he too may abscond.

Keeping in view the aforesaid facts and circumstances and the reply filed by the respondents, there is no merit in the petition.

Accordingly, the criminal writ petition is dismissed.

(S.S. Saron)
Judge

(Lisa Gill)
Judge

07.12.2016
A.Kaundal

Note:-

1. Whether the order is reasoned/speaking : Yes.
2. Whether the order is reportable : No.