

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

**CRWP No.161 of 2016 (O&M)
Date of Decision: August 31, 2016**

Ajay Tyagi

...Petitioner

VERSUS

U.T. Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ravi K. Mattoo, Advocate
for the petitioner.

Mr.M.K.Bhatnagar, Advocate for
Mr.Inderjit Sharma Advocate
for respondents No.2 to 4.

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India read with Section 3 (1) (c) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for grant of parole for the period of four weeks for enabling him to meet his old and ailing parents.

Notice of motion was issued and learned counsel for respondent No.2 to 4 and learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

From the record, I find that parole to the petitioner has been denied by Addl. Director General of Police (Prisons), Punjab on 11.09.2015, on the basis of report submitted by District Magistrate, Saharanpur, vide which the District Magistrate, Saharanpur had not recommended the parole case of the convict-petitioner. On 11.02.2015, the District Magistrate, Saharanpur had not recommended the case parole case of the convict but he did not give any specific reasons for not recommending the parole case. As per directions of this Court, the competent authority again requested the District Magistrate to mention specific reason for not recommending the parole case of the convict-petitioner. The District Magistrate, Saharanpur vide report dated 10.08.2015 again sent report wherein he has not recommended the release of the convict-petitioner. The perusal of copy of the report dated 11.02.2015 of District Magistrate, Saharanpur shows that the only ground for not recommending the parole is that a case under Section 302, 397, 460 and 120-B IPC has been registered against the convict and there is possibility of his absconding.

Learned counsel for the petitioner has placed on record writing of the Gram Panchayat dated 06.07.2016, wherein the Gram Panchayat recommended the parole of present petitioner and it is written by the Pradhan, Gram Panchayat that she takes the responsibility of the petitioner. Learned counsel for the petitioner also relied upon the order passed in CRM No.M-7330 of 2009 decided on 02.07.2009 passed by this Court, in which the petitioner of that case was released on parole to undertake repair of his parental house and to meet his family members.

There is nothing on the record to show that there is any threat

the mere fact that there is chance of absconding, is no ground for rejecting and not recommending the case of the petitioner for grant of parole.

In view of the Panchayat nama dated 06.07.2016, I find merit in the present petition and the same is allowed. The respondents/competent authority are directed to release the petitioner on parole for four weeks after obtaining adequate security as per law.

August 31, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned **Yes**

Whether reportable **No**