

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No.435 of 2016

Date of Decision : May 04, 2016

Surinder Kumar @ Sonu

.....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. Ritesh Pandey, Advocate
for the petitioner.

Dr. Deipa Singh, Additional Advocate General, Punjab.

T.P.S. MANN, J.

The petitioner has filed the present petition under Article 226 of the Constitution of India read with Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for granting him four weeks' parole in order to meet his family members.

The petitioner stood convicted under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo imprisonment for fifteen years in case FIR No.141 dated 13.12.2011 registered at Police Station Sadar, Batala. Against his conviction and sentence, he has filed an appeal, which came to be admitted on 16.3.2015.

According to the petitioner, he applied to the Superintendent, Central Jail, Gurdaspur, for four weeks' parole in order to meet his family members which application was forwarded to the District Magistrate, Amritsar as he is residing at Amritsar. However, vide order dated 28.7.2015 (Annexure P-1), the District Magistrate dismissed the parole

case of the petitioner on the ground that in the event of his release on parole, there was apprehension of breach of peace and his absconding. According to the petitioner, alongwith the application, he had sent a copy of the Majornama signed by the respectables of his village stating therein that there was no apprehension of breach of peace and they would be bound to send the petitioner back on expiry of the period of parole.

Upon notice, reply has been filed by the respondents wherein it is stated that the parole case of the petitioner was initiated and forwarded to the District Magistrate. However, vide letter dated 28.7.2015 the District Magistrate intimated that there was apprehension of breach of peace and his absconding and, accordingly, the parole case of the petitioner was dismissed.

Once the authorities have expressed apprehension of breach of peace in the event of the petitioner being released on parole and likelihood of his absconding, it would not be in the fitness of things to order his release on parole. Even otherwise, the jail authorities have made arrangement for the relatives of jail inmates to come to the jail premises and meet them, though under surveillance. Such like meetings are common practice these days and, therefore, the petitioner need not be released on parole so as to enable him to meet his family members.

The petition is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

May 04, 2016