

SR.NO.226

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRWP-553-2016

Date of Decision:- 20.10.2016

Resham Singh

.....Petitioner

VS

State of Punjab and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present Mr.A.S.Trikha, Advocate for the petitioner.
Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

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MAHESH GROVER, J

This is a petition under Article 226 of the Constitution of India seeking parole to the petitioner on the ground that the convict wants to meet his family members.

The prayer has been declined solely on the ground that convict may deal in intoxicants if released on parole and there is danger to security of State and public peace, law and order.

We are of the opinion that such reasoning without any reasonable basis is unsustainable in law. The provisions of The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act 2015 lays down that a person can be declined the benefit of parole in case he is involved in heinous offence or is a hard core criminal. The definition as given in the statute refers to certain categories of heinous offences but we cannot consider this to be one to grant a constrictive meaning to it. Therefore, it becomes imperative for the authorities to give reasons which can withstand the test of rationality and judicial review. To merely say that there would be danger to the peace and security of the State as also public

order and likelihood of a person to involve himself in offences of the nature for which he has been convicted may not be acceptable in the absence of any supportive material. We, therefore, set aside the impugned order and remit the case back to the competent authority to reconsider the case for release of the petitioner on parole by giving appropriate reasons.

Disposed of.

Let the consideration be done as expeditiously as possible.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

October 20, 2016
mamta

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No