

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR- 4944 -2015 (O&M)
Date of decision: 25.07.2017

Arun Garg

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Petitioner in person with
Mr.Subhash Godara, Legal Aid Counsel
Mr.C.L.Pawar, Senior Deputy Advocate General, Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

The present revision petition is directed against the judgment 23.7.2015, passed by learned Additional Sessions Judge, Ludhiana affirming the judgment of conviction and order of sentence dated 17.1.2014 passed by learned Chief Judicial Magistrate, Ludhiana, vide which, the present petitioner was convicted for commission of an offence punishable under Section 8(2) read with Section 9 of the Punjab Good Conduct Prisoner's Temporary Release Act, 1962 and sentenced to the period already undergone by him.

Heard.

It comes out that the petitioner was undergoing Rigorous Imprisonment for ten years for an offence under Section 304B IPC. He was granted two week's parole with a direction to surrender on 21.11.2007.

However, it comes out that on the same day, the petitioner filed one

Criminal Miscellaneous No.51806 of 2007, in which, while adjourning the case to 28.11.2007, the petitioner was allowed not to surrender before the jail authorities. It appears that thereafter, the said date was not extended and the petitioner was required to surrender on 28.11.2007 before the jail authorities. However, as per prosecution case, he was arrested on 3.12.2008. Hence, he committed offence under Section 8(2) read with Section 9 of the Punjab Good Conduct Prisoner's Temporary Release Act, 1962.

On perusal of the lower Court file and the documents, I find that when the petitioner has approached this Court for extending his parole and the relief was granted only till 28.11.2007, he should have surrendered on the said date before the jail authorities. However, there is nothing on file to show that he actually surrendered before jail authorities on 28.11.2007. He was arrested by the police post of Lalton Kalan Police Station Sadar Ludhiana on 3.12.2008. In this way, he violated the provisions. Therefore, I find that there is no illegality or infirmity in the impugned orders passed by both the Courts below.

Hence, the present petition stands dismissed.

25.07.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No