

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

**CRWP-1740-2015(O&M)
Date of decision: 16.08.2017**

Debo alias Chuchi ...Petitioner
Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Challenge in this petition is for quashing of order dated 24.08.2015 (Annexure P-2) vide which, 4 weeks parole was declined to the petitioner.

It is submitted on behalf of the petitioner that the petitioner was convicted by Special Judge, Hoshiarpur on 20.04.1999 and thereafter, her appeal was dismissed by this Court on 19.09.2008. The petitioner has already undergone more than 8 years of sentence, out of total sentence of 10 years awarded by the Special Judge, Hoshiarpur and she is a lady of 54 years of age. It is further submitted by learned counsel for the petitioner that after 2008, when the appeal was dismissed by this Court, the petitioner has already availed parole for more than 6 times. However, vide impugned order dated 24.08.2015, the parole of the petitioner has been declined on the ground that there are four cases pending against her and therefore, she cannot be granted parole.

It is further submitted by learned counsel for the petitioner that the petitioner has already been acquitted in two cases and in one case, she

has been released on probation and in one case has already undergone sentence. It is further submitted that after 2008, when the petitioner was granted concession of parole, she has not misused the same and in the intervening period, she has not committed any such or similar offence. Therefore, the impugned order is not sustainable.

Reply by way of affidavit of Superintendent Central Jail, Jalandhar has been filed and the only reason given for declining the parole is that the aforesaid 4 cases were registered against her and the petitioner is a habitual offender.

Considering the fact that the petitioner has already undergone more than 8 years of sentence and in view of the fact that despite specific averments made by the petitioner that after 2008 whenever she was granted parole, she has never misused the same; this averment has not been denied in the affidavit filed by the Superintendent Central Jail, Jalandhar, the order dated 24.08.2015 is set aside.

A direction is issued to respondent-Superintendent Central Jail to pass a fresh order, considering the fact that the impugned order has been passed way back on 24.08.2015 and in the intervening period, despite her entitlement, the petitioner has not been granted concession of parole. The needful be done within a period of 30 days from the date of receipt of copy of this order.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

16.08.2017
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No