

CRWP No. 1104 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No. 1104 of 2016

Date of Decision: February 7, 2017

Prince

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.S. Bains, Advocate
for the petitioner.

Ms. Manjari Nehru Kaul, Addl. A.G., Punjab.

M.JEYAPPAUL, J.(ORAL)

Petitioner-convict moves this writ petition praying for grant of four weeks' house repair parole under Section 3 (1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

Reply was filed by the State.

On a perusal of the impugned order passed by the District Magistrate, Amritsar, it is found that the parole sought by the petitioner was rejected on the ground that there was every possibility for the petitioner to abscond during the parole period. It was also suspected that his release would endanger the security of the State and maintenance of public order. Petitioner has admittedly undergone about 4 ½ years imprisonment. Except for the present case under Sections 302, 364-A, 120-B, 201 and 506 of the

CRWP No. 1104 of 2016

Indian Penal Code, there is no other case against the petitioner. No concrete material was available with the State to reach a conclusion that the convict may abscond and his release may endanger the security of the State and maintenance of public order.

Plea for parole sought for by the convict can be rejected of course on the above stand taken by the State. But in the instant case, no material has been placed on record to demonstrate that the Authority concerned arrived at such a conclusion while denying the plea for parole.

In view of the above, impugned order stands set aside. House repair parole for four weeks as sought for by the writ petitioner is granted. He be released on four weeks' house repair parole w.e.f. 14.02.2017 to 13.03.2017 to the satisfaction of the District Magistrate, Amritsar and also subject to the compliance of the mandatory rules and regulations. He shall surrender before the jail authorities on 14.03.2017 at 10.00 AM.

The writ petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

February 7, 2017
Harish

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No