

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

CRWP-1163-2016 (O&M)
Date of decision: 09.03.2017

Gurdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Isha Goyal, Advocate/amicus curiae for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 226 of the Constitution of India, the petitioner seeks directions to the official respondents to grant him four weeks' parole to meet his family members in view of Section 3 (1)(d) of Punjab Good Conduct Prisoners Temporary Release Act, 1962.

The learned counsel for the petitioner has placed reliance upon **Dharambir and another** Vs. **State of U.P.**, 1979 AIR (SC) 1595 and **Charanjit Lal** Vs. **State and others**, 185 (2) RCR (Criminal) 211 to contend that the petitioner is entitled to parole, since he is in jail for the last more than 22 years and he has never been released on parole till date. His sentence of death has already been converted into life imprisonment with the condition that the petitioner would remain in prison for the whole of the remainder of natural life.

On the other hand, the learned State counsel opposes the prayed made in the present petition.

Heard.

The petitioner is seeking parole in FIR No. 226 dated 21.11.1991, registered under Sections 302, 307, 460, 148 read with Section 149 of IPC and Sections 25 & 27 of Arms Act, at Police Station Chheherata, District Amritsar, whereby he was convicted and sentenced to death. Thereafter, on a mercy petition filed by the petitioner before Hon'ble the President of India, his death sentence was commuted into life imprisonment for whole natural life with a condition that there shall be no remission of the term of imprisonment. Since the petitioner is a convict in a heinous crime, this Court is not inclined to accept the prayer made in the present petition. The ratio of case law cited by the learned counsel for the petitioner is distinguishable on facts and will not apply in the present case.

Dismissed.

09.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No