

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr.No.227)

CRWP-1167-2016 (O&M)

Date of Decision:-May 01, 2017

Sunil Kumar

.....Petitioner

V/S

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. A.S. Trikha, Advocate,
for the petitioner.

Mr. Abhishek Chautala, AAG Punjab.

A.B. Chaudhari, J. (Oral)

Rule.

Heard forthwith with the consent of the rival parties.

In response to the notice of motion, the reply has been filed by the respondent-State. Learned counsel for the State referred Annexure to R-1 with reply and submitted that the Additional Director General of Police (Prisons) Punjab, Chandigarh accepted the recommendation from the District Magistrate, Faizabad not to leave the petitioner on parole.

Following is the reason given in the said order Annexure R-1:-

“ In compliance with the above said orders, District Magistrate, Faizabad (U.P.) sent verification report to Hon'ble Court & Central Jail Patiala vide letter no.2865-66 dated 15.03.2017 and recommended not release the above said convict on the ground that as per report of Senior Superintendent of Police Faizabad (U.P.), Convict never availed parole during his imprisonment. If Convict is released on parole, he will again involve in criminal activities. Then it will be difficult to arrest him. District Magistrate, Faizabad (U.P.) has agreed with the report of Senior Superintendent of Police Faizabad (U.P.) and recommended not to release that above said convict on

parole.

Keeping in view that protest report, the parole case of the above said convict is hereby rejected.”

Learned counsel for the State has been specifically asked whether it is justifiable, on the basis of the protest report, to say that if the convict is released on parole, he would again involve in criminal offence and activities and that it would be difficult to arrest him again. That apart, the reply shows that the petitioner never availed of parole since after his conviction in the year 2009. It is now over a period of eight years that the petitioner has not availed of parole. There is no material on record that he had any other criminal case against him. Thus the impugned order made by the Additional Director General of Police (Prisons) Punjab, Chandigarh is not based on any material.

In view of the above, the following order is passed:-

ORDER

1. CRWP-1167-2016 (O&M) is allowed.
2. The petitioner Sunil Kumar is ordered to be released on parole for a period of 4 weeks from the date of his actual release from the jail upon the petitioner furnishing surety to the satisfaction of the District Magistrate, Faizabad, District Faizabad (UP).

May 01, 2017

pankaj

**(A.B. CHAUDHARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No