

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1261-2016

Date of Decision: March 20, 2017

Harpreet Singh

...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. Manjri 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 for 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 Indian Penal Code, there is no other case pending against the petitioner. No concrete material was available with the State to reach a reasonable

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. 24.03.2017 to 20.04.2017 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 21.04.2017 at 10.00 AM.

The writ petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

March 20, 2017
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Whether speaking/reasoned: Yes

Whether Reportable: No