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

**CRWP No.1457 of 2016(O&M)  
Date of Decision: 17.05.2017**

**Raj Kumar**

**.....Petitioner**

**Vs**

**State of Punjab and others**

**.....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mrs. Sarla Chaudhary, Advocate  
for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks parole for the purpose of house repair under Section 3(1) d of the Punjab Good Conduct Prisoner's Temporary Release Act for a period of four weeks.

The case of the petitioner was recommended by the Municipal Councilors, Jalalabad. However, Senior Superintendent of Police opposed the release of the petitioner on parole on the ground that there is a threat to law and order situation. On the basis of recommendation of the Senior Superintendent of Police vide letter memo No.7444/AC-3 dated 15.09.2016, District Magistrate rejected the case of the

petitioner on that premise.

In the reply filed by Superintendent Central Jail, Faridkot/respondent No.3, it has been reported that the case of the petitioner was recommended by the Superintendent Central Jail, Faridkot as per jail manual. Regular parole case of the petitioner was initiated by the said office on 25.07.2016 for its sanction and the same was forwarded to District Magistrate as per rules.

As per facts given in the reply, there is no other criminal case pending against the petitioner in any Court of law. Co-accused namely Pawan Kumar Sharma has already availed parole w.e.f 18.08.2016 to 30.09.2016.

The impugned order is totally based on the apprehension that law and order situation may aggravate on release of the petitioner on parole. In my considered view, the aforesaid ground is not legally sustainable for rejecting the claim of the petitioner, particularly when co-convict in the same FIR has already availed benefit of parole for the same purpose and particulars of threat perception entertained by the authorities have not come forth on record.

In view of above, order dated 07.10.2016 passed by District Magistrate, Fazilka is set aside. Necessary

consequences to follow in accordance with law.

May 17, 2017.

*Prince*

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)  
JUDGE

Yes/No

Yes/No