

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP No. 1627 of 2016

Date of decision: 04.05.2017

Daljinder Singh

...PETITIONER

VERSUS

State of Punjab and others

....RESPONDENTS

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

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

Ms. Manjri Nehru Kaul, Additional Advocate General, Punjab.

M.JEYAPPAUL, J. (ORAL)

Petitioner-Daljinder Singh has filed the present writ petition seeking a direction to the respondents to consider the application submitted by him seeking parole to meet his family members.

Heard the submissions made by the learned counsel appearing for the writ petitioner and the learned counsel for the State.

The parole application submitted by the petitioner was disposed of by the 3rd respondent on the ground that there was an apprehension of danger to peace and security of the State. Ultimately, the prayer for parole submitted by the petitioner to meet his family members and also to arrange money to continue the treatment of his wife was rejected.

There was no material produced by the State to arrive at a conclusion that there would be danger to peace and security of the State. It is not the stand of the respondents that the writ petitioner had behaved in such a manner in an early occasion so to arrive at such a conclusion by them.

We went through the reply submitted by the State. It has been

specifically stated that FIR No. 2 dated 06.01.2012 registered under Sections 420, 467, 468, 471, 472 and 120-B IPC at Police Station Sidhwan Bet was pending disposal. An another plea was set up by the respondents that the writ petitioner cannot seek parole before completion of one year of sentence from the date of subsequent conviction.

On instructions from Sh. Sukhwinder Singh, Assistant Superintendent Jail, Central Jail, Ludhiana, learned counsel for the State brought to our notice that the above case in FIR No. 2 dated 06.01.2012 had ended in conviction and that there is no rule or any provision in the Jail Manual which mandates that the convict cannot seek parole before he completes one year from the date of subsequent conviction.

It is not the case of the respondents that the writ petitioner has committed any jail offence.

For all these reasons, we are pleased to set aside the impugned order passed by the 3rd respondent on 30.11.2015 and direct him to reconsider the plea for parole submitted by the writ petitioner in the background of the above observations made by us and pass an appropriate order within a period of 15 days from the date of this order.

Writ petition stands disposed of accordingly.

(M.JEYAPPAUL)
JUDGE

May 04, 2017
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No