

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 114 of 2017
Date of Decision: 19.09.2017

Matlub

...Petitioner

VERSUS

State of U.T. Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Bains, Advocate
for the petitioner.

Mr. A.S. Virk, APP, U.T. Chandigarh
for respondents no. 1 and 2.

SURINDER GUPTA, J.(Oral)

Additional affidavit of Addl. I.G. Prison-cum-Superintendent, Model Jail, Chandigarh filed by learned APP, U.T. Chandigarh, is taken on record.

Learned APP, U.T. Chandigarh submits that the petitioner has been declined parole as District Magistrate, Bijnaur has not recommended the same.

Perusal of custody certificate filed by learned APP shows that the petitioner was earlier allowed parole for 28 days on two occasions and admittedly, there is nothing adverse against the petitioner while he availed parole on those two occasions. Even in the report of District Magistrate, Bijnaur, no reason has been given for declining parole to petitioner. District Magistrate, Bijnaur has relied upon the report of Superintendent of Police, Bijnaur, who in his one line recommendation has relied upon report of SHO of the concerned area, wherein he has stated that he is not recommending the parole.

Parole cannot be declined without any specific reason. The mere fact that District Magistrate, Bijnaur without giving any reason has not recommended parole, cannot be a reason before the competent authority to blindly follow the same. It appears that the competent authority has not looked into this fact that the petitioner was earlier allowed parole on two occasions and has not misconducted himself in any manner.

Keeping in view above facts, the instant petition is disposed of with direction to respondents to reconsider the request of parole of petitioner within a period of six weeks and pass a reasoned order.

September 19, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***