

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 133 of 2017(O&M)

Date of decision: 31.05.2017

Ranbir Singh @ Bira

..... Petitioner

Versus

State of Punjab and ors.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present:- Mr. Kewal Singh, Advocate
for the petitioner.

Ms. Manjari Nehru Kaul, Addl. A.G., Punjab

Mr. Maninder S. Punia, Advocate for
Mr. Jasraj Singh, Advocate
for the complainant.

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AJAY KUMAR MITTAL, J. (ORAL)

1. In this Criminal Writ Petition filed under Article 226 of the Constitution of India, the petitioner is seeking six weeks' parole to enable him to meet his family members.

2. The petitioner was tried in case FIR No. 224 dated 30.10.2005, under Sections 302, 120, 34 IPC and Section 25 of the Arms Act, registered at Police Station Mukerian and was convicted to undergo imprisonment for life vide judgment dated 30.03.2016 passed by learned Sessions Judge, Hoshiarpur. It has been averred that against the aforesaid judgment, the petitioner has filed a Criminal appeal No. 707-DB of 2016 before this Court and the same is pending adjudication.

3. On notice having been issued, reply by way of affidavit of Sh. Vikramjeet Singh Panthey, PPS, Supdt. Central Jail, Hoshiarpur on behalf of respondent Nos. 1 to 3 has been filed wherein prayer for grant of parole to the petitioner has been opposed. It has been inter-alia stated that the petitioner is quarrelsome person and may cause breach of peace in the

village if he is released on parole. Further the petitioner is also history-sheeter of Police Station Rahon and hence the police authority has not recommended the parole in favour of the petitioner and the same has not been approved by Deputy Commissioner Shaheed Bhagat Singh Nagar.

4. On 18.05.2017 learned State counsel was directed to file an additional affidavit giving the details of the cases, in which the petitioner confessed the guilt and was convicted and has already undergone the sentence and also of the case where the petitioner was acquitted on the ground that the witnesses turned hostile.

5. Today, additional affidavit of Sh. Ravinder Singh, PPS, Deputy Superintendent of Police, Sub Division Mukerian District Hoshiarpur filed in Court, is taken on record, in compliance thereto mentioning parawise as under:-

6. In FIR No. 41 dated 26.03.2006 under Sections 302, 201, 34 IPC registered at Police Station Rahon, District SBS Nagar, the petitioner has been acquitted by learned trial Court Nawanshahar on 13.02.2009 as the prosecution witnesses turned hostile on the basis of compromise.

7. In FIR No. 39 dated 22.03.2006 under Sections 25 of the Arms Act, registered at Police Station Rahon, District SBS Nagar, the petitioner has been acquitted by the then JMIC, Nawanshahar on 4.4.2008 as the prosecution witnesses did not support the prosecution version.

8. In FIR No. 42 dated 10.02.2006 under Section 392 IPC registered at Police Station Banga, the petitioner has been acquitted by JMIC, Nawanshahar on 31.05.2008 as the prosecution witnesses did not support the prosecution version.

9. In FIR No. 131 dated 21.09.2005 under Sections 307, 34 IPC and Section 25 of the Arms Act registered at Police Station Goraya District Jalandhar (Rural), the petitioner has been acquitted by learned trial Court on 31.10.2008 as the prosecution witnesses turned hostile on the basis of compromise.

10. In FIR No. 158 dated 31.10.2005 under Sections 382, 34 IPC registered at Police Station Machhiwara, District Khanna, the petitioner has been convicted by learned JMFC, Samrala on 20.09.2010.

11. In FIR No.138 dated 17.09.2008 under Sections 324, 34 IPC registered at Police Station City Nawanshahar, the petitioner has been acquitted by learned ACJM, SBS Nagar on 12.09.2014 as the prosecution witnesses turned hostile.

12. After hearing learned counsel for the parties and in view of the above reply of the respondent, we are of the considered view that no ground for grant of parole to the petitioner is made out.

13. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

May 31, 2017
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Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No