

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-183-2017 (O&M)

Date of Decision: 10.5.2017

Gurlal Singh alias Lali

....Petitioner

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Dr. (Ms.) Amarpreet Sandhu, Advocate for the petitioner.

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

AJAY KUMAR MITTAL, J.

1. In this petition filed under Article 227 of the Constitution of India, the petitioner prays for grant of parole for a period of six weeks.

2. As per the averments made in the writ petition, the petitioner was convicted under Sections 120-B/302/201 of the Indian Penal Code by the Additional Sessions Judge, Amritsar vide judgment and order dated 27.1.2016 and was sentenced for Life Imprisonment and to pay a fine of ₹ 35,000/-, in default of payment of fine to further undergo Rigorous Imprisonment for two months. Against the said judgment and order, the petitioner had filed an appeal bearing CRA-D-692-DB-2016 which is pending consideration. The petitioner moved an application dated 9.6.2016 before respondent No.3 for his release on parole who forwarded the same to the Senior Superintendent of Police, Amritsar for further investigation and

report. As per the report, the Senior Superintendent of Police, Amritsar has

no objection to the grant of parole to the petitioner but since he was undergoing life imprisonment, the application be sent for further investigation. Vide letter dated 1.8.2016 (Annexure P-1), respondent No.2 requested the Commissioner of Police, Amritsar to send the final report for the grant of parole. However, no report was sent. The members of Gram Panchayat, Village Uthian, Verka, Amritsar, vide Panchayatnama (Annexure P-2) strongly recommended for the release of the petitioner on parole for construction of the house. Hence, the present writ petition.

3. Upon notice of motion having been issued, reply by way of affidavit of Satnam Singh, Officiating Superintendent, Central Jail, Amritsar on behalf of the respondents has been filed. It has been pleaded therein that the case of the petitioner was sent to respondent No.2 vide letter dated 1.1.2016 for report and recommendation. Respondent No.2 vide letter dated 27.1.2017 (Annexure R-1) informed that inquiry had been done from the Senior Superintendent of Police, Amritsar Rural and the Commissioner of Police wherein has objected to the grant of parole, *inter alia*, on the ground that threat to the state security and to the maintenance of public order may be there and accordingly, the petitioner be not released on parole.

4. After hearing learned counsel for the parties, we do not find any merit in the petition.

5. The petitioner moved an application before respondent No.3 for grant of parole. The said application was forwarded to the Senior Superintendent of Police, Amritsar Rural for report and recommendation who vide letter dated 9.6.2016 submitted his report to the effect that since the petitioner is undergoing his sentence, the inquiry regarding parole release be also done from the Police District Amritsar City. On the basis

thereof, the report was also sought from the Commissioner of Police who vide letter dated 6.12.2016 had not recommended the benefit of parole, *inter alia*, by submitting that there may be a threat to the State Security and to the maintenance of public order in case the petitioner is released on parole.

6. In view of the above and the report submitted by the Commissioner of Police, Amritsar City that there may be a threat to the State Security and to the maintenance of the public order, no ground for release of the petitioner on parole is made out. The case of the petitioner, thus, had been rightly rejected by respondent No.2 vide order dated 3.1.2017. Accordingly, the petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

May 10, 2017
gbs

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No