

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

**CRM No. W-135 of 2017
in/and CRWP No. 241 of 2017
Decided on : 17.05.2017**

Baljit Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

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

PRESENT: Mr. Gaurav Sharma, Advocate
for the applicant-petitioner.

Ms. Manjri Nehru Kaul, Addl. AG, Punjab.

AJAY KUMAR MITTAL, J. (Oral)

CRM No. W-135 of 2017

Annexures P-4 & P-5 filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

CM stands disposed of.

CRWP No. 241 of 2017

The petitioner, who is confined at Central Jail, Amritsar, has approached this Court by filing the present petition under Article 226 of the Constitution of India, *inter alia*, seeking direction to the respondents to grant the parole for four weeks for house repair and for treatment of his ailing mother.

2. It has been averred in the petition that the petitioner is undergoing the life imprisonment sentence in case FIR No.108, dated 15.11.2013, under Sections 302, 307, 398 and 34 of IPC, registered at Police Station Khilchyian, District Amritsar.

3. It has been claimed that house has to be repaired and there is ailing mother for which parole may be granted to the petitioner. Reliance has been placed upon Annexures P-4 & P-5 (affidavit of the Sarpanch and photographs), which has been filed along with the application bearing CRM No. W-135 of 2017, to urge that the house is not in a good condition and is

required to be repaired.

4. Upon notice of motion having been issued, reply by way of affidavit of Satnam Singh, PPS, Officiating Superintendent, Central Jail, Amritsar, has been filed on behalf of the State controverting the averments made in the petition. It has been stated in the reply that the case of the petitioner was not recommended by the Senior Superintendent of Police, Amritsar Rural, as the house of the petitioner is well built and does not require any repair and the petitioner is undergoing sentence in the offences of murder and robbery. It has further been stated that the Panchayatnama given by the petitioner for his parole is also not found to be correct. There is danger for the security and maintenance of public order, if the petitioner is released on parole, for which reliance has been placed upon Annexure R-3. However, custody certificate in respect of petitioner-Baljit Singh has been filed by the learned State counsel in Court today, which is taken on record, subject to all just exceptions.

5. A perusal of Annexure P-5 does not clearly establishes that the house of the petitioner is not in a good condition. The photographs attached, do not substantiate the plea of the petitioner that the house is required to be repaired. Further, no medical record of the ailing mother has been appended along with the application to substantiate the averments made in the petition. Section 4 of the The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (in short 'the Act') reads thus:

“4. (1) The State Government or any other officer authorized by it in this behalf may, in consultation with such other officer as may be appointed by the state Government, by notification, and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of imprisonment of not less than four years and who-

(a) has, immediately before the date of his temporary release, undergone continuous imprisonment for a period of three years, inclusive of the persistence detention, if any;

(b) has not during such period committed any jail offence

(except an offence punished by a warning) and has earned at least three annual good conduct remission; provided that nothing herein shall apply to a prisoner who-

(i) is a habitual offender as defined in sub-section (3) of section 2 of Punjab Habitual Offenders (Control and Reform) Act, 1952; or

(ii) has been convicted of robbery or dacoity or such other offence as the State Government may, by notification, specify.

(2) The period of furlough for which a prisoner is eligible under subsection (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter.

(3) Subject to the provisions of clause (d) of sub-section (3) of section 8, the period of release referred to in sub-section (1) shall count towards the total period of the sentence undergone by a prisoner.”

6. In view of the above, we do not find that the petitioner satisfies the requirements of the aforesaid statutory provision. Accordingly, after hearing learned counsel for the parties and perusing the case file, no ground to release the petitioner on parole is made out.

7. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

May 17, 2017

J.Ram

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No