

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

CRWP-503 of 2017 (O&M)
Date of Decision:- 05.05.2017

Sukhbir Singh @ Sukhu

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. Hoshiar Singh Jaswal, Advocate,
for the petitioner.

S.S.SARON, J.

The petition has been filed by the petitioner Sukhbir Singh alias Sukhu under Article 226 of the Constitution of India seeking necessary directions to the State of Haryana through the District Magistrate, Ambala (respondent No.1) to accept the surety bond on behalf of the petitioner in terms of the release warrant dated 08.03.2017 (Annexure P-2) passed by the competent authority i.e. Divisional Commissioner, Ambala and issue a release order to the Superintendent, Central Jail, Ambala (respondent No.2) for release of the petitioner on parole.

The petitioner has been convicted and sentenced by the learned Additional Sessions Judge, Ambala on 07.06.2010 in case FIR No.77 dated 19.08.2006, registered at Police Station Shahzadpur, District Ambala for the offences punishable under Sections 148, 149 and 302 Indian Penal Code

('IPC'-for short). He has been sentenced to undergo rigorous imprisonment for life; besides, pay a fine of Rs.10,000/- and in default thereof undergo rigorous imprisonment for one year. Criminal Appeal No.D-732-DB of 2010 filed by the petitioner is pending in this Court.

According to the petitioner, he has been ordered to be released temporarily on parole for a period of six weeks in terms of order dated 08.03.2017 (Annexure P-2). The said order contains the conditions for release of the petitioner on parole which *inter alia* includes that the petitioner is to furnish, to the satisfaction of the District Magistrate, Ambala, a bond and two sureties in the sum of Rs.1,00,000/- each for faithfully observing the conditions specified in the release warrant. According to the petitioner his mother has on three occasions gone to the office of the District Magistrate, Ambala along with the sureties to be furnished on behalf of the petitioner; however, it is alleged that the District Magistrate did not accept the bond and asked the mother of the petitioner to furnish a surety bond for a sum of Rs.5,00,000/-. In fact, according to the warrant of temporary release dated 08.03.2017 (Annexure P-2), a bond for a sum of Rs.1,00,000/- is required to be furnished.

The said averment and allegation is not supported by an affidavit of anyone. Even otherwise it is difficult to perceive that the District Magistrate would ask for surety for a sum of Rs.5,00,000/- when the release warrant (Annexure P-2) provides that the prisoner shall for his release on parole furnish to the satisfaction of the District Magistrate, Ambala, a bond and two sureties in the sum of Rs.1,00,000/- each for faithful observance of the conditions specified in the release warrant.

Besides, there is no written order asking the petitioner or his mother to

furnish surety for a sum of Rs.5,00,000/- for temporary release of the petitioner on parole, in case such an order, as has been alleged, was passed. No application or representation in this regard is shown to have been made by the petitioner to the District Magistrate, Ambala.

In the circumstances, learned counsel appearing for the petitioner submits that he may be allowed to withdraw the petition for the present and approach the District Magistrate, Ambala in the first instance.

The criminal writ petition is accordingly dismissed as withdrawn. In case the petitioner makes a representation and furnishes a bond and sureties for his temporary release on parole in compliance with the warrant of temporary release dated 08.03.2017 (Annexure P-2), the same shall be considered and disposed of by the District Magistrate, Ambala in terms of the conditions as provided for therein as expeditiously as possible and preferably within three weeks of the receipt of the representation and this order.

(S.S.SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

May 05, 2017

mohan

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No