

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1482 of 2017
Date of Decision:09.03.2018

Heera LalPETITIONER

Vs.

State of Punjab and othersRESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms.Bhupinder Pal Kaur Brar, Advocate for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

RAJBIR SEHRAWAT, J.(Oral)

Present petition has been filed for issuance of the directions to the respondents to release the petitioner for six weeks' parole to meet his family members and to settle household affairs in accordance with his entitlement under Section 3(1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and Amendment Act, 2015.

Learned counsel for the petitioner has submitted that the Surpanch and members along with other residents of the village had recommended the release of the petitioner on parole as per his entitlement; verifying that in the event of his release on parole, there is no apprehension of breach of peace in the village. It was further verified by the Surpanch and other members recommending the release that the petitioner is likely to surrender back in jail in time; in case he is released on parole. This Panchayatnama is attached with the petition as Annexure P-1.

However, after getting the report from the police authorities, the Deputy Commissioner has not recommended the release of the petitioner on

parole vide order dated 02.11.2017 (Annexure P-2), on the ground that police report has said that there is an apprehension that the petitioner would indulge in similar kind of offences if he is released on bail and he is likely to spoil the environment of the village by alluring the other youth of the village into the drug racket.

On notice having been issued, the State has filed the reply repeating the averments made in the police report; which has been made basis of non-grant of parole to the petitioner. In the written statement, the same assertions have been repeated saying that on an open and secret inquiry, it has been found that if the petitioner comes on parole, there would be apprehension that he will influence the youngsters of the village and there is apprehension of his absconding besides disturbing the peaceful environment of the village in connivance with the people selling intoxicants.

However, the reply filed by the State is not accompanied by any material to support the abovesaid assertions.

To counter the assertions of the State, learned counsel for the petitioner has relied upon a judgment of the Division Bench of this Court in “Jassa Singh alias Jassa Vs. State of Punjab” passed in CRWP No.706 of 2016, decided on 31.10.2017 to contend that mere apprehension of breach of peace is no ground to deny the concession of parole to a convict.

Having heard learned counsel for the parties, this Court is of the considered opinion that the case of the petitioner is squarely covered by the decision of Jassa Singh @ Jassa's case (supra). However, the written statement filed by the police asserting that the petitioner is likely to allure the other youngsters of the village into the drug racket and his release on parole is likely to disturb the peace of the village does not find favour, as there is no material on

record; placed by the police with their report or with the written statement filed before this Court. Hence, the assertion of the police has been left unsubstantiated. Therefore, denial of the release on parole of the petitioner has been rendered without any basis.

In view of above, it is held that the petitioner is entitled to be released on parole. The concerned authorities shall release the petitioner on parole within next one month subject to all the other conditions and requirements of such release.

The petition stands disposed of.

(RAJBIR SEHRAWAT)
JUDGE

09.03.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No