

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

CWP-13444-2018

Date of decision:29.11.2018

Anurudh Mandal @ Anurodh Mandal

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Sanjeev Manhas, Advocate
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Kuldip Singh, J. (Oral)

The petitioner has filed this petition for quashing of order/lettered 30.09.2015, passed by respondent No.2 (Annexure P-4), vide which, his application under Section 3(i)(d) of the Punjab Good Conduct Prisoner (Temporary Release) Act, 1962 for grant of four weeks parole to meet his family members, has been declined.

The petitioner having convicted in a murder case by learned Additional Sessions Judge, Ludhiana and he was sentenced to undergo life imprisonment. He is in jail since the date of judgment i.e. 23.12.2010. Vide application dated 03.06.2014, the petitioner applied for four weeks parole to meet his family members.

Reply by way of affidavit of Shamsheer Singh Boparai, PPS,

Superintendent, Central Jail, Ludhiana on behalf of respondents No.1 and 3 along with Annexures R-1 , R/T-2 & R/T-3, has been filed in the court today and the same is taken on record.

I have heard learned counsel for the parties and carefully gone through the record.

As per letter/order 30.09.2015 of District Officer, Kathyar, enquiry report from SHO Falka has been called through Superintendent of Police, Kathyar and as per the said enquiry report, the parole has been declined only on the ground that some co-villager of the convict stated that parole is not right. I am of the view that this is not a ground to decline the parole to the petitioner. Unless the conduct of the petitioner is not good and there is an apprehension of breach of peace based on tangible evidence, the parole could not be declined.

As such, the impugned letter/order dated 30.09.2015, passed by District Officer, Kathyar, is hereby quashed. The District Officer, Kathyar is directed to pass a fresh speaking order within a month from the date of receipt of certified copy of this order in view of the observation of this Court.

Accordingly, the petition is allowed.

(KULDIP SINGH)
JUDGE

29.11.2018

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No