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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 15:49
I attest to the accuracy and
authenticity of this document

CWP-18050-2018 (O/M)
Date of decision : 15.11.2018

Subhash Chander Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Himani Kapila, Advocate,
for petitioner.

Ms. Sunint Kaur, AAG Punjab.

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KULDIP SINGH, J. (ORAL)

Heard.

Through this petition, petitioner seeks quashing of order dated 5.6.2018 (Annexure-P-1), passed by District Magistrate, Fazilka (respondent No. 3), vide which his application for parole of 6 weeks has been declined.

Petitioner has sought parole of 6 weeks under Section 3 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, for meeting his family members as well as for doing household works, but respondent No. 3 has declined same on the ground that there is apprehension of breach of peace of village inhabitants and convict can abscond during parole. It is nowhere stated in reply of State that any other case is pending against petitioner and that he is habitual offender.

Considering that it is nowhere mentioned by State that petitioner is habitual offender, grounds that there is apprehension of breach of peace of village inhabitants and that petitioner may abscond during parole is just figment of imagination.

In view of matter, impugned order (Annexure-P-1), passed by Assistant Commissioner (General), Fazilka, is quashed and petitioner is ordered to be released on parole for 6 weeks on his furnishing bonds to the satisfaction of District Magistrate, Fazilka. Petition is allowed.

(KULDIP SINGH)
JUDGE

15.11.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No