

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 18523 -2018 (O&M)
Date of decision: 17.12.2018

Rajiv @ Raja

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Dr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Nandan Jindal, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J.

Petitioner has impugned the order dated 5.7.2017 (Annexure P1) passed by respondent no.2 District Magistrate, Ludhiana, whereby his request for parole for six weeks' to look after the family members has been declined on the ground that the convict is a gangster and against him 19 FIRs have been registered in different police stations and if the convict comes on parole, the local peace, law and order would be breached.

Petitioner was convicted in an FIR No.133 dated 12.5.2006 registered under Sections 302, 364, 380, 381, 404 read with Section 34 IPC at Police Station Division No.5, Ludhiana vide judgment of conviction and order of sentence dated 22.1.2011 passed by learned Additional Sessions Judge, Ludhiana. Currently, the petitioner is undergoing life imprisonment in District Jail, Sangrur. He applied for parole for six weeks' to look after the family, which was declined by the District Magistrate, Ludhiana vide the

impugned the order dated 5.7.2017 (Annexure P1).

It is stated in the petition that the petitioner is continuously confined behind the bars since 2006, except one time, when he committed jail offence and ran away from the custody of the police, which had happened only because he was not granted parole till then and suffering from fits of aggression. The petitioner has explained that he is accused in 19 FIRs, out of which, in 9 FIR cases, he has already been acquitted by the trial Court and in rest of three cases, he has already completed sentence and in rest of three cases, he is on bail. He has undergone more than 11 years of actual sentence, including remissions and 16 years with remissions.

State in the reply has given list of the cases along with the results, showing that the petitioner was tried in 22 cases. He has completed sentence in 6 cases, which are regarding kidnapping, attempt to murder, robbery with use of force. It is further stated that about 5 cases against him are pending trial. In 11 cases, he has been acquitted. The acquitted cases also pertain to robbery, making preparation to commit robbery, kidnapping and murder. Plea has been taken that the petitioner ran away from the custody twice and was again apprehended. He has already undergone 10 years 7 months and 10 days sentence. It is stated that the petitioner is suffering from depression and taking medicines prescribed from Specialist of Civil Hospital, Sangrur. Plea has been raised that there is apprehension of breach of peace and threat to security of State if parole is allowed to him.

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

List of the cases submitted in the reply shows that in some of the serious cases pertaining to robbery, kidnapping, attempt to murder, he was

sentenced and he has already completed sentence. There are some other cases more or less of similar nature, in which, he is facing trial, except some cases, which are of lighter nature. However, he has been acquitted in 11 cases, out of which, 2 were murder cases and other cases were of serious nature. Petitioner ran away from the police custody twice and was apprehended.

Considering the background of the petitioner and the crimes, in which, he was found involved by the police and considering the pending trials of serious nature, I am of the view that if the petitioner is released on parole, he is likely to abscond. Apprehensions of the District Magistrate that he is threat to the peace of the society and also threat to the security of the State are duly corroborated by the record.

It being so, there is no ground to quash impugned the order dated 5.7.2017 (Annexure P1) passed by respondent no.2 District Magistrate, Ludhiana.

Resultantly, the present petition is dismissed.

17.12.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No