

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

**CWP-20669-2018 (O&M)
Date of decision : 14.11.2018**

Manpreet Singh

.....Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Khatri, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Impugned in the present writ petition is the order dated 9.5.2018 (Annexure P-2) passed by District Magistrate, Amritsar vide which application filed by the petitioner seeking parole of six weeks has been declined on the ground that accused-petitioner can commit the same kind of serious offence during parole and can abscond during parole.

It comes out that petitioner was convicted and sentenced under Sections 376 (D) and 366 of the Indian Penal Code vide judgment of conviction and order of sentence dated 25.7.2017, passed by learned Additional Sessions Judge/Exclusive Court, Amritsar on the ground that he eloped with a minor girl and committed rape upon her. Appeal against the said judgment is still pending.

Petitioner seeks parole under Section 3(1) (d) of the Punjab Good Conduct Prisoner (Temporary Release) Act, 1962. The only apprehension stated in the impugned order is that investigation was conducted by Deputy Superintendent of Police (Rural) Jandialaguru, District Amritsar and that there is apprehension that petitioner can commit same kind of serious offence during parole and can jump the parole.

I am of the view that this apprehension has no tangible ground. It is just the imagination of the Deputy Superintendent of Police (Rural) Jandialaguru, District Amritsar that the petitioner may commit the same crime. Facts of the case show that petitioner was allegedly having love affair with the minor girl and eloped with her. It is not alleged that petitioner is having a criminal history and committed any other crime.

It being so, present petition is allowed and impugned order 9.5.2018 (Annexure P-2) passed by District Magistrate, Amritsar is hereby quashed.

Respondents are directed to release the present petitioner on parole for a period of six weeks subject to adequate security to be furnished before the District Magistrate, Amritsar.

Petition stands disposed of.

(KULDIP SINGH)
JUDGE

14.11.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No