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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25896-2018 (O&M)
Date of decision : 19.11.2018

Bhojpal

..... Petitioner

Versus

Union Territory Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.B.Sidhu, Advocate for the petitioner.

Ms. Ashima Mor, APP, UT., Chandigarh.

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)

Reply by way of affidavit of Additional Inspector General Prisons-cum-Superintendent, Model Jail, Burail filed in Court today is taken on record.

Petitioner seeks four weeks parole to meet his family members under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and he further seeks quashing of the order dated 10.8.2018 (Annexure P-2) passed by Additional Inspector General of Prisons, U.T. Chandigarh.

Heard.

As per the reply filed, it comes out that same plea, as taken in the impugned order dated 10.8.2018 (Annexure P-2), has been taken. A perusal of the impugned order dated 10.8.2018 (Annexure P-2) shows that the parole of the petitioner has been declined on the ground that convict is dangerous for the security of the State. As per the statement of the neighbours, they did not take the responsibility of the convict. Local police has objection that if the convict is released on parole he will commit crime.

I am of the view that neighbours are not required to take the responsibility. It is for the State to see whether there is a possibility to commission of crime while on parole. Petitioner wants to meet his family members for which sufficient surety can be taken. Petitioner seeks 28 days time to meet his family members. The contention of the local police was to be considered and is not binding on the Additional Inspector General of Police, U.T., Chandigarh.

I am of the view that there is no evidence available on record so as to show that convict is dangerous for the security of the State and that he can commit any crime while on parole.

In the circumstance, impugned order dated 10.8.2018 passed by Additional Inspector General of Prisons, U.T. Chandigarh is set aside and petitioner is ordered to be released on parole for a period of four weeks on furnishing surety before the District Magistrate, Chandigarh to his satisfaction.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

19.11.2018

preeti

Whether speaking / reasoned

Yes

Whether Reportable:

No