

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

**CWP No. 3736 of 2018
Date of Decision: 20.2.2018**

Prem Singh**Petitioner**

v.

State of Punjab and others**Respondents**

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Nandan Jindal, Advocate, for the petitioner

Mr. H.S. Sitta, AAG, Punjab

RAKESH KUMAR JAIN, J (Oral) :

The petitioner has prayed for issuance of a writ in the nature of certiorari for quashing of the order by which his application for seeking parole in terms of Section 3 (1) (b) and (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, amended in 2015 (for short 'the Amended Act of 2015), has been declined.

The petitioner has been convicted for an offence committed under Section 302 read with Section 201 IPC by the Sessions Judge, Sangrur on 15.6.2009 and sentenced to suffer life imprisonment. The petitioner has allegedly spent about 8 years of actual sentence. The appeal filed by the petitioner against his conviction and sentence bearing CRA-D-694-DB of 2009 has been dismissed by this Court on 10.9.2011. The petitioner has applied for parole to attend the marriage of his niece (Bhanji) Mandeep Kaur which is scheduled to be solemnized on 21.2.2018. The application filed by the petitioner has been declined by the Superintendent,

District Jail, Sangrur on the ground that the petitioner has already been released on parole w.e.f. 11.1.2018 to 2.2.2018 and he would be entitled for seeking parole w.e.f. 1.4.2018. In this regard, learned counsel for the petitioner has fairly referred to Section 3 (2A) of the Act which read as under :

“Total period of temporary release of the prisoner, excluding the temporary release availed of on the death of family member of the prisoner and the temporary release availed of by a female prisoner on account of delivery of child, shall not exceed twelve weeks during a calendar year and shall be availed of on quarterly basis.”

Learned counsel for the petitioner is very much aware of the fact that the petitioner would be entitled to seek parole only after the completion of first quarter for which he has already availed the benefit of parole but it is submitted that if the parole is granted to him now in the first quarter, he would not claim the parole in the second quarter.

As against this, learned State counsel has submitted that the petitioner had been convicted in FIR No.128 dated 27.9.2014 under Sections 8 and 9 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for a period of 6 months and has also been involved in FIR N. 65 dated 22.6.2013 under Sections 419, 420, 465, 467, 468, 471, 474 and 120B IPC which is pending. It is also submitted that the petitioner cannot bargain for his release on the ground that he would give up his claim for seeking parole in the second quarter of this year if the parole is granted to him in the first quarter, in which he has already availed the same.

I have heard learned counsel for the parties and after taking into consideration am of the considered opinion that there is no merit in the present petition because legally the petitioner is not liable for seeking the

parole because at this stage, he has already availed the parole in the first quarter from 11.1.2018 to 2.2.2018 and would be eligible to seek parole w.e.f. 1.4.2018 i.e in the second quarter of the year. The petitioner cannot be allowed to claim parole in the same quarter in which the parole has already been availed. If this procedure is adopted by this Court then there would be no end to this kind of applications in which the petitioners would ask for parole in one quarter giving up their rights in all other quarters and would claim the parole.

Accordingly, I am of the considered opinion that there is no error in the impugned order and thus, the present petition is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

20.2.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No