

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

CWP No.3983 of 2018

Date of decision : 19.04.2018

Johan Ujjal Gomes

.....Petitioner

Versus

Director General of Police and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Ms. Bhupinder Pal Kaur Brar, Advocate for the petitioner.
 Mr. Aditya Sharda, AAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

The petitioner was convicted and sentenced to undergo life imprisonment with fine in case FIR No.19 dated 20.01.2009 under Sections 302, 450, 307 and 324 IPC registered at Police Station Civil Lines, Amritsar by the trial Court. Thereafter, appeal was filed which is still pending before this Court.

As per case of the petitioner, he has undergone approximately nine years of sentence and there is no complaint against him from the jail authorities and no other case is pending against him. He moved an application for grant of parole, which was sanctioned for six weeks vide order dated 01.08.2017. The copy of the order was sent to respondents No.2 and 3 on 01.08.2017. The family members of the petitioner appeared before the District Magistrate, South 24 Parganas, Alipore, Kolkata – 700027,

West Bengal to furnish the bonds as per order dated 01.08.2017. Due to typographical mistake, the order of sanction of parole was sent to wrong address whereas there is no office of District Magistrate at Kolkata. Thereafter, the orders were sent back to the office of D.G.P.

The family members of the petitioner sent a letter on behalf of the petitioner to the Director General of Police, Jail Department, Punjab, Chandigarh with the request that their release warrant be sent to the correct address.

Petitioner has approached this Court with a prayer that in spite of more than six months, the release warrant has not been sent on the correct address of the District Magistrate.

In response to the notice of motion, reply has been filed in the Court today and the same is taken on record. Copy thereof has also been supplied to learned counsel for the petitioner.

The relevant portion of the stand taken by the respondent-State in para No.7 of the reply is reproduced as under:-

“7. That the rectified warrant for temporary release of the petitioner was sent by the office of the Additional Director General of Police (Prisons), Punjab to District Magistrate, 24 Parganas (Sough) Alipore, Kolkata-700027 vide letter No. GI/P-1/3046 dated 08.03.2018 after the petitioner applied for rectification of the same to the office of the replying respondent. A copy of the Rectified warrant for the temporary release of petitioner is annexed herewith as Annexure R-1.”

Vide Form-B warrant of temporary release of petitioner under

Sections 3/4 of Punjab Good Conduct Prisoner (Temporary Release) Act, 1962 has been sent, wherein it has been mentioned that the petitioner will be released subject to furnishing a bond and surety bond for a sum of ₹2,00,000/-.

In view of the stand taken by the respondent-State in its reply, the present petition is disposed of with a direction to the petitioner to furnish a bond and surety bond for a sum of ₹2,00,000/- before the District Magistrate 24 Parganas (South) Alipore, Kolkata-700027. On doing so, the petitioner shall be released for a period of six weeks. He is directed to surrender before the jail authorities on expiry of period of six weeks.

19.04.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No