

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.7567 of 2018

Date of Decision:04.07.2018

Angrej Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Kuldeep V.Singh, Advocate, for the petitioner.

Ms.Sakshi Bakshi, AAG, Punjab.

RITU BAHRI, J. (ORAL)

The petitioner has come up in writ petition for issuance of a writ especially in the nature of Mandamus directing the respondents to release the petitioner on parole for a period of 6 weeks to enable him to meet his family members and to get the treatment of his mother and also to get his house repair as per Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

The petitioner has been convicted for the offence under Section 302 read with Section 149 and Section 148 of IPC in a case FIR No.102 dated 29.10.2012, registered at P.S.Nihal Singh Wala, District Moga, Punjab. His criminal appeal i.e. CRA-D-729-DB of 2017 is pending in this Court for adjudication. The petitioner had filed CRWP No.1417 of 2017 for grant of parole and this writ petition was disposed off with a direction to take a final decision on an application within four weeks. Annexure P-2 is a letter rejecting recommendation in favour of the petitioner by SSP Barnala for grant of parole of 6 weeks as one of his friend i.e. Jaspreet Singh @ Jassa resident of Bilaspur, District Moga was member of his gang and his name has been put in the list of gangsters by District Moga and there may be danger to the state security if, he is released on parole and thereafter, the Deputy Commissioner, Barnala vide

its order (Annexure P-3) declined the prayer for grant of parole to the petitioner.

On notice, reply has been filed by respondent No.2 stating therein that District Magistrate, Barnala, has rejected the parole recommendation of the petitioner in view of the report of SSP, Barnala (Annexure R/T-1) wherein, it has been clarified that petitioner is undergoing sentence in case FIR No.102 dated 29.10.2012 for the offence under Sections 302, 148, 149 of IPC, P.S.Nihal Singh Wala and 4/5 criminal cases have been registered against the convict. It is further submitted in the report that application has been received by the Superintendent, Barnala for recommendation of 6 weeks parole as thigh of mother of petitioner has been broken and he has a wife Gurmail Kaur and two school going children namely Randip Singh and Jaspreet Singh and his father has died. However, keeping in view of the nature of offence and the criminal antecedents, his application for parole has been rightly declined vide order (Annexure R-2). The DSP, Central Jail, Faridkot had filed reply on the same lines. The other respondents No.1,3 and 4 filed separate reply on the same lines. As per reply filed by DSP, Central Jail, Faridkot, the petitioner has been convicted in FIR No.102 dated 29.10.2012 and in FIR No.21 dated 16.05.2012 for the offence under Sections 307, 323, 324, 148, 149 IPC and 25 Arms Act, P.S.Bhadaur on 23.02.2015, he was acquitted by giving him benefit of doubt. In the reply of the respondents, it has been stated that he is a friend of gangster Jaspreet Singh @ Jassa. However, it has not been stated that the petitioner has ever involved along with him in any case. Even, counsel for the State on instructions from ASI Paramjit Singh submits that petitioner is not in the list of gangster Jaspreet Singh @ Jassa on account of his close friend and he is not involved alongwith him in any criminal case.

Keeping in view the above facts, this petition is allowed and respondents are directed to release the petitioner on parole for a period of 6 weeks to enable him to meet his family members and to get the treatment of his mother and also for repairing of his house as per Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act,

1962.

The present writ petition is disposed of accordingly.

(RITU BAHRI)
JUDGE

04.07.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No