

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7738 of 2018

Date of Decision: 11.07.2018

Parivartan Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Harchand Singh Batth, Advocate,  
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

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**RAJIV NARAIN RAINA, J.(Oral)**

1. This is an application for parole for six weeks by a convict undergoing life sentence. The petitioner is an educated person. He holds an MBA degree in First Division from Kurukshetra University in 2011. He was working as Manager in the Axis Bank when FIR No.6 dated 02.02.2015 under Sections 302, 34, 38 IPC and Section 25 of the Arms Act was registered in Police Station Kotli Surat Maliya. The petitioner was convicted along with co-accused by the trial Court and sentenced for life imprisonment vide judgment dated May 31, 2017. The petitioner is married. A son has been born to the petitioner while in jail. He has made a request for parole to be with his son born on October 19, 2015. The Panchayat has recommended the petitioner's case for parole vide Panchayatnama (Annex P-4) assuring the jail authorities that he would not pose a threat to law and order. The request was acceded to and the petitioner was granted parole for

six weeks by order dated December 21, 2017. The petitioner had furnished security bonds. However, the order was cancelled on December 22, 2017 by the District Magistrate citing reason that the petitioner had links with gangsters. Against that order, the petitioner has approached this Court for parole of six weeks.

2. On notice, the State has filed a reply asserting that petitioner's case for parole should not be allowed and he be not released on account of his connection with gangsters.

3. When the matter came up for hearing on July 04, 2018 this Court passed an order calling upon the Law Officer to obtain instructions from the department regarding the allegations of the links the petitioner may have with gangsters and whether it would be appropriate to grant parole at this stage.

4. In response, an additional reply by way of affidavit of Deputy Superintendent, Central Jail, Faridkot dated July 10, 2018 has been filed in which it is stated that an inquiry was made by the Jail staff from Senior Superintendent of Police, Batala vide letter No.2691 of July 05, 2018 asking whether "the petitioner is a gangster or not and has links with gangsters or not?" The SSP Batala has confirmed by his letter dated April 25, 2018 that the petitioner has links with dreaded gangsters and he has been involved in two FIRs for committing offences while in jail. Both FIRs pertain to assault on jail officials with attempt to flee from prison. As a result, if the petitioner is released on parole he can abscond and there is grave apprehension of disturbance of peace, law and order and security of the State.

5. Learned counsel for the petitioner points out that in the two

FIRs involving jail offences the petitioner has been granted regular bail one by the Sessions Court and the other by this Court. Learned counsel further submits that except making bald statements that the petitioner has links with dreaded gangsters, no name has been mentioned in the police records to persuade this Court to come to the conclusion that release on parole would be detrimental to the interest of society.

6. Having heard learned counsel for the petitioner and the State of Punjab, I am of the view that this is not a case in which parole should be denied. If no real link is established with gangsters in and outside jail are established beyond reasonable doubt and the matter should not be proceeded on the basis of suspicion alone, then I think it would be a travesty of justice to not to allow the petitioner the benefit of parole for the period of six weeks for a very genuine reason to be with his infant son for a short time.

7. In any case, the police has sufficient wherewithal at its command to remain vigilant while the petitioner is on parole and keep an eye on him.

8. It may be noted that once parole was granted by the authorities only to be cancelled the following day apparently for the wrong and overblown reason without basis.

9. In view of the above, the petition is allowed. The impugned order is quashed. The petitioner is granted parole of six weeks from the date of release to the satisfaction of the jail authorities at Faridkot/District Magistrate at Gurdaspur on the bail bonds already furnished.

10. At the end of the parole period, the petitioner will surrender

before the jail authorities on date and time fixed by the jail Superintendent.

11.07.2018

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(RAJIV NARAIN RAINA)  
JUDGE

*Whether speaking/reasoned*                      *Yes*

*Whether reportable*                              *No*