

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.8795 of 2018
Date of Decision: 01.06.2018

Amandeep Singh @ Amna

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Navjot Singh, Advocate,
for the petitioner.

Mr.H.S. Sitta, AAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner, who is suffering life sentence and is presently lodged in the Central Jail, Jalandhar at Kapurthala, has prayed for parole for a period of six weeks to look after his pregnant wife.

In the reply filed by the respondents, it is averred that the petitioner has already availed three weeks parole w.e.f. 05.01.2018 to 26.01.2018 in calendar year 2018. He again made an application for grant of parole for three weeks which was sanctioned and he was released on 10.4.2018 and was required to surrender on 02.05.2018. The petitioner has now prayed for parole for six weeks but the respondents have averred that in view of Section 2-A of the Punjab Govt. Gazette notification 2015 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 [for short 'the Act'], the petitioner can avail parole (temporary release) either on half yearly basis (not exceeding 6 weeks in the 6 months) or on quarterly basis (not exceeding 21 days in one quarter of the year). It is further averred that the petitioner has already availed the benefit of parole in first quarter of this

year i.e. 2018 and has availed parole for three weeks in the quarter of April to June, therefore, the petitioner can ask for the parole only in the month of July to September.

Learned counsel for the petitioner has relied upon a Division Bench judgment of this Court rendered in ***CRWP No.2714 of 2011*** titled as ***“Suresh Kumar alias Tidda Vs. State of Punjab and others”*** decided on 13.12.2011. However, this decision is not applicable because it was a case decided on 13.12.2011 when Section 2-A of the Act was not there. He has thus relied upon other Division Bench judgment of this Court rendered in ***CRWP No.283 of 2016*** titled as ***“Balwinder Singh Vs. State of Punjab and another”*** decided on 18.3.2016 in which Section 2-A of the Act is not discussed. He has then relied upon a Division Bench judgement of this Court rendered in ***“Surjit Singh Vs. State of Punjab and others” 2017 (1) R.C.R. (Criminal) 101*** in which Section 2-A of the Act has been discussed but the finding is ultimately against the case of the petitioner.

Thus, I am of the considered opinion that there is no error on the part of the respondents for the purpose of interference in this case and hence the present petition is hereby dismissed.

01.06.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes

Whether Reportable : Yes/No