

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5767-2019 (O&M)

Date of decision: 23.07.2019

Anil

.....Petitioner

versus

U.T. Chandigarh and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.A.P. Kaushal and Mr.Gurbir Singh Sandhu, Advocates
for the petitioner
Mr.Ravi Kumar Gupta, Advocate for the UT Chandigarh

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has impugned order dated 16.1.2019 (Annexure P1) passed by the District Magistrate, Fatehabad and the order dated 4.2.2019 (Annexure P2) passed by Additional Inspector General of Police, vide which, prayer of the petitioner for parole for 28 days to meet family members has been declined.

Petitioner was convicted under Section 302 read with Section 34 IPC and sentenced to imprisonment for life by learned Additional Sessions Judge, Chandigarh vide judgment of conviction and order of sentence dated 30.9.2016 for committing murder of one Suresh Kumar Advocate of Fatehabad. Petitioner applied for parole, which was declined by the authorities on the ground that peace in the village will be disturbed if the petitioner is released on parole. His father and one brother is also

lodged in jail. Reason for parole cannot be ascertained. There is also apprehension that if he is released on parole, he will not come back and will abscond. Therefore, disagreeing with the recommendations of the Sub Divisional Magistrate, Fatehabad, the parole was declined.

Complainant, in reply has opposed the prayer.

I have heard learned counsel for the parties and have also carefully gone through the file.

Reply of the respondent shows that the petitioner earlier, three times applied for parole for three times. Once, he has given address of village Bhattu Kalan, Tehsil Bhattu Kalan, District Fatehabad, which was rejected by District Magistrate Fatehabad on 9.2.2017. Then he applied for parole giving Gurugram address. The said application was withdrawn. Third time he gave care of address of village Kachwana, Tehsil Nohar, PS Nohar, District Hanumangarh, Rajasthan. The same was rejected by District Magistrate vide order dated 3.7.2018.

Now, this is fourth parole application, where, address of village Bhattu Kalan, District Fatehabad has been given.

Learned counsel for UT Chandigarh contends that the petitioner has tried to get parole by giving one or the other address. He was involved in the brutal murder of the Advocate in full public view. It is further pointed out that earlier Suresh Kumar deceased was injured by the brother of the present petitioner and when the accused party was on bail, they committed murder of Suresh Kumar, Advocate. Therefore, the petitioner is desperate person. He also produced copy of the order dated 15.10.2015 passed by a Division Bench of this Court in CRWP No.634-2015 where security was provided to the complainant. Vide another order dated 8.5.2015 passed in

CRWP 634-2015 a Division Bench of this Court cancelled parole granted to Vijay Singh co-accused and father of the present petitioner. In this case, trial was shifted from Fatehabad to Chandigarh on account of certain apprehensions raised by the accused party.

Considering the facts and circumstances and the background, I am of the view that the apprehensions of the State is not unfounded that if the petitioner is released on parole, he may disturb peace and may commit another crime. Further possibility of petitioner absconding during parole also cannot be ruled out.

Learned counsel for the petitioner states that the complainant party has been granted security by the Court and that the petitioner may be permitted to meet his mother at some other place. It is further states that the petitioner will not enter in the village.

I am of the view that if the petitioner is released on parole it will be difficult to monitor his activities and the possibility of his committing another crime cannot be ruled out. Hence, there is no illegality or infirmity in the impugned order.

Resultantly, the present petition stands dismissed.

23.07.2019

gk

(Kuldip Singh)

Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No