

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8746 of 2019(O&M)
Date of Decision:16.10.2019

Yogesh

... Petitioner

Versus

The State of Punjab & ors.

... Respondents

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

Present: Mr. A.S. Trikha, Advocate,
for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J.(Oral)

1. Through this petition, the petitioner has prayed for temporary release on the ground to meet his family members. Request of the petitioner has been rejected by respondent No.2.

2. The petitioner was convicted and sentenced to undergo rigorous imprisonment for 25 years under Sections 379, 363,376-D, 411, 120-B IPC and Sections 5-G and 12 of the POSCO Act in case FIR No.44 dated 21.03.2018 registered at Police Station, P.A.U. Ludhiana. Criminal appeal filed by the petitioner against his conviction is pending in this Court.

3. It is argued by learned counsel for the petitioner that two co-accused Kuldeep Singh and Pawan Kumar have been granted parole by the authorities. It is not disputed by the State that two co-accused have been granted parole. The present petitioner has been lodged in jail since the last more than 4 years as per the custody certificate (Annex R-1).

4. There is substance in this argument and the principle of parity deserves to be applied in this case as there appears to be no distinguished feature brought out in the written statement or in the orders of learned District Magistrate, Ludhiana.

5. In view of the above, the petition is allowed. The petitioner is granted parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

6. Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

16.10.2019

monika

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No