

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 06.09.2019****CWP No.19550 of 2019**

Pritpal Singh @ Laddu

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gaurav Rana, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner was convicted and sentenced to undergo life imprisonment under Section 302/404/465/468/471/201 read with 120-B IPC in case FIR No.8 dated 02.02.2012 registered at Police Station Haibowal, Ludhiana vide judgment of conviction and order of sentence dated 09.09.2015/11.09.2015 passed by the Additional Sessions Judge, Ludhiana.

2. The instant petition has been filed by the petitioner for quashing the order dated 21.09.2018 (Annex P-14), whereby his request for grant of parole to meet his family has been declined. Petitioner claims that there were three accused who are serving sentence for murder. Parole in case of two of the co-accused has already been granted, but the same was denied to him. He pointed out that one of the co-accused, namely, Umesh Karda received benefit of parole 3-4 times.

3. On the other hand, the stand of the State is that there is danger to the peace of the village upon release of the petitioner and that there are chances that he might abscond during parole.

4. Having heard learned counsel for the parties and after carefully going through the file, I am of the view that such apprehension can be met by imposing appropriate conditions to watch the conduct of the petitioner while on parole. The authority can also impose the conditions as has been imposed by this Court in a petition filed by co-accused i.e. CWP No.2790 of 2018 titled 'Harwinder Singh @ Binder Vs. State of Punjab & others' on 23.05.2019. A certificate from Gram Panchayat has also been filed by the petitioner in support of his plea for parole. It is stated in the certificate that there is no apprehension to the peace of the village and neither there is any fear that the petitioner will abscond. That being so, the apprehension of breach of peace is imaginary. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good.

5. In view thereof, the petition is allowed and the respondents are directed to release the petitioner on parole for four 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 that the temporary release is not misused.

6. Petition stands allowed accordingly.

06.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No