

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21392-2018 (O&M)
Date of decision: 14.01.2019

Avtar Singh @ Tari

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. R.S. Joshi, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Kuldip Singh, J. (Oral)

Reply by way of additional affidavit of Surinderpal Khanna PPS-1, Superintendent, Central Jail Kapurthala on behalf of respondent No.4 along with Annexure R-4 has been filed in the Court today and the same is taken on record.

As per reply filed by the State, it is reported as per report of Tehsildar Rampuraful, District Bathinda the condition of house of the petitioner is satisfactory and there is no need to repair the house as emergency. Petitioner has sought parole on the ground that he wants to repair the house and to look after his family. However, in view the reply, first ground of repair the house does not survive.

In the present petition, petitioner seeks six weeks' parole under Section 3(1)(d) of the Punjab Good Conduct (Temporary Release) Act 1962 for urgent repair and maintenance of his house and to look after his family

and he further seeks quashing of order dated 23.07.2018 (Annexure P-5), vide which his parole was declined.

Petitioner was convicted for offence under Section 302 IPC by learned Additional Sessions Judge, Bathinda, vide judgment dated 24.01.2017 (Annexure P-1) along with two other co-accused. Perusal of the impugned order dated 23.07.2018 (Annexure P-5) shows that parole has been declined on the ground that there is a risk of disturbance of peace. It is further stated that complainant party is also residing in Village Mehraj and young boy of the complainant was murdered who feels apprehension from the accused. I think the said apprehension can be met by imposing adequate conditions. In order to meet the family after one year of his imprisonment after conviction, the petitioner is otherwise entitled to parole under Section 3(1)(d) of the Punjab Good Conduct (Temporary Release) Act 1962. As such, the petition is allowed and four weeks' parole under Section 3(1)(d) of the Punjab Good Conduct (Temporary Release) Act 1962 to meet and look after his family, is granted on his furnishing surety bonds to the satisfaction of Duty Magistrate concerned, subject to the condition that the petitioner will not go within 500 meters of the house of the complainant and after expiry of the said parole without seeking any extension, he will surrender before the jail authorities.

Petition is accordingly partly allowed.

(KULDIP SINGH)
JUDGE

14.01.2019
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No