

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-24496-2019

Date of Decision:22.10.2019

Kuldeep Singh

...Petitioner

Versus

The State of U.T.Chandigarh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.H.S.Jaswal, Advocate
for the petitioner

Ms.Bhupinder Kaur, Advocate and
Mr.Suman Jain, Advocate
for respondents No.1 and 3

Mr.J.S.Toor, APP U.T.Chandigarh
for respondents No.2 and 4

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has sought issuance of a writ in the nature of certiorari quashing the routine order dated 10.07.2019 (P-2) passed by respondent 2 whereby benefit of parole to the petitioner has been denied for the wrong reasons. So also prayer for issuance of a writ in the nature of mandamus is made directing respondents 2 & 4 to grant the benefit of parole to the petitioner for a period of four weeks to enable him to meet his family members.
2. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 302/34 IPC in case FIR No.390 dated

16.09.2014 registered at Police Station Sector 11, Chandigarh.

3. Mr.Toor, learned APP for U.T.Administration is wise in leaving it to the Court to grant parole to the petitioner because in case the petitioner absconds the District Magistrate, Chandigarh, might get in trouble and seeks to fire the shot from the shoulder of the Court. He may be reminded that the shoulders of the Court are strong when it ventures to do justice.

4. I would grant parole in this case for the simple reason that the petitioner has been granted parole on three occasions in the past for 28 days each. Lastly, it was granted for the period w.e.f. 05.12.2018 to 03.01.2019 and he surrendered well in time. It is not the case of the respondents that there is something wrong in the conduct of the petitioner lodged in Model Jail, Burail. There appears to be good conduct while serving sentence and that is why he was granted parole earlier. Therefore, I overrule the remarks of the District Magistrate handed over by Mr.Toor in the Court today that the convict is dangerous to the security of the State and his temporary release would be prejudicial in maintenance of the law and order. If the local police has objection on release of the convict as he could jump parole, then they seem to forget that those very authorities who granted parole to the petitioner on three occasions did so without the intervention of the Court. This factual position is accepted on the statement of learned counsel for the petitioner made at the Bar. The Memo dated 29.08.2019, copy of which diarised on 03.09.2019 by the Dak Clerk for

production in the Court, is taken on record.

5. In view of the above facts, the petition is allowed. The impugned order dated 10.07.2019 (P-2) is quashed. The petitioner is granted 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 are required to secure the presence of the petitioner in jail before the period of parole expires.

22.10.2019*neenu***(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No