

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 31746 of 2019

Date of Decision: 02.11.2019

Sukhjinder Singh @ Sukhi

...Petitioner

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner has been convicted under Section 307, 326, 323, 324, 148, 149 of IPC in FIR No. 268 dated 14.08.2009 registered at Police Station, Maqsudan, District Jalandhar and sentenced to serve 07 years imprisonment. He is stated to have already undergone 06 years in jail. He has also been convicted under Section 307 IPC in another case and has been sentenced therein also to 07 years imprisonment. It is now 08 months gone since his application for parole is pending consideration of the authorities with no action taken thereon. In this background, the petitioner has approached this Court

2. In the circumstances and without the benefit of a final order coming into existence, learned counsel for the petitioner submits that he would have to be satisfied in case a direction is issued to the respondents to consider and decide his client's application within a time-bound period. The request is reasonable and deserves to be

accepted. Because it is expected of the authorities to decide parole applications within a reasonable time or within such time as the instructions indicate to avoid parole seekers approaching Court only to seek such directions, which wasteful exercise inevitably multiplies litigation thereby becoming an avoidable burden on this Court, which does not have for judicial scrutiny before it, a final order in case it is adverse to the interest of the convict/s.

3. Accordingly, this petition has to be disposed of with the direction to the competent authority amongst the respondents to pass a final order within 30 days on the request seeking parole for 08 weeks. Time would run from date of receipt of order. This Court in doing so expresses no opinion on the merits.

4. Before parting with the order and having run the parole roster for some time, I find an absence in the State of Punjab of clear cut guidelines, of the kind issued by the Director General of Police, (Prisons), Haryana on 15.12.2016. These instructions spell out the time-lines in which parole applications are to be dealt with or decided at different levels i.e. Jail Superintendent; who is given 05 days to process the case, the District Magistrate 21 days and the Divisional Commissioner 10 days thereby making the process time-bound.

5. In case there are instructions already prevailing in Punjab Government and the Chandigarh Administration, then the present directions can be ignored by them. But in case it is not so, then the

Home Secretary, Government of Punjab and the DGP/Addl. DGP (Prisons) and the Home Secretary/DGP, Chandigarh may consider formulating guidelines for officials/officers dealing with parole and furlough applications to be curtailed by time specified in the instructions, as may be found suitable by the State Government to help prevent litigation in Court at premature stages barring cases of emergency parole.

6. A copy of this order be sent by the office to the Home Secretary, Government of Punjab, the DGP/Addl. DGP (Prisons), Punjab and the Home Secretary, UT Administration, Chandigarh for their consideration to try and bring both Governments on par on the subject, the High Court being common.

7. With the above directions, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

02.11.2019

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*