

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

CRWP-1788-2019

Date of Decision: 09.12.2019

Thakur Prasad

... Petitioner

Versus

U.T. Chandigarh and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present : Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Rajeev Anand, Additional Public Prosecutor,
U.T. Chandigarh-for the respondents.

JITENDRA CHAUHAN.J.(ORAL)

This petition under Article 226/227 of the Constitution of India read with Section 3 of Punjab Good Conduct Prisoners (Temporary Release) Act for direction to respondent No.3 to release the petitioner on parole for meeting his family members and to take care of their needs.

A copy of order dated 19.09.2019 passed by I.G. of Prison, U.T. Chandigarh has been produced by learned State counsel in the Court today and same is taken on record as Mark 'A'. As per the order, the petitioner is undergoing rigorous imprisonment for 20 years in case FIR No.13 dated 17.01.2014 registered under Section 376 IPC and Section 5 of Protection of Children from Sexual Offences Act, 2012 at Police Station, Sector 36 Chandigarh.

Learned State counsel submits that as per the order dated 19.09.2019 (Mark 'A') passed by the IGP, Police Station Sector-36, Chandigarh, the IGP has recorded that the peace is likely to be breached in case the petitioner is released on parole. He further states that the case of the petitioner has been declined on the ground that the house of the convict is 20 kms away from the border of Nepal and during parole period convict can run to Nepal and can do any criminal activity and indulge in the criminal world.

Heard.

This is to be noticed that the petitioner has not misused the concession of parole earlier granted to him. There is no concrete evidence which can be made basis for the apprehension of the Jail authorities that the release of the petitioner is likely to endanger the security of the State and maintenance of public order.

In the circumstances, the present petition is allowed and the petitioner is granted parole for four weeks subject to furnishing surety bonds to the satisfaction of the Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be noticed by the releasing Court/ Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

09.12.2019

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No