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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/1/2019 15:53
I attest to the accuracy and
authenticity of this document

CWP-28863-2018 (O/M)
Date of decision : 29.1.2019

Sukhwinder Singh

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.P.S. Ishar, Advocate,
for petitioner.

Ms. Sunint Kaur, AAG Punjab.

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KULDIP SINGH, J. (ORAL)

Reply by way of affidavit of Sohan Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, on behalf of respondent No. 3 filed in Court today and same is taken on record.

Petitioner, who is undergoing life imprisonment for offence under Section 302 IPC and some other sections on account of his conviction by learned Sessions Judge, Tarn Taran, vide judgment of conviction and order of sentence dated 5.6.2017, applied for parole to meet family members, was declined, vide impugned order dated 3.10.2018 (Annexure-P-1) on the ground that there is apprehension of breach of peace and public order.

State in reply has taken stand that petitioner is facing trial in two cases, in which he is on bail. The grounds taken in impugned order have been reiterated stating that there is apprehension of breach of State security and maintenance of public peace and public order.

I have heard learned counsel for parties and have also carefully gone through file.

After going through reply of State, I am of view that State has not taken stand that while in custody since 5.6.2017, behaviour of petitioner in jail is such that he has committed any offence or that he has actually committed jail offence. Therefore, ground that there is danger to public peace and public order is imaginary and without there being any material on file to arrive at such conclusion. Therefore, impugned order dated 3.10.2018 (Annexure-P-1), passed by Deputy Commissioner, Tarn Taran, is set aside. Petitioner is ordered to be released on parole for four weeks to meet his family members on his furnishing adequate surety to satisfaction of Deputy Commissioner/District Magistrate, Tarn Taran and on his furnishing correct address, which shall be verified before his release. Petition is thus allowed.

(KULDIP SINGH)
JUDGE

29.1.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No