

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 02.09.2019****CWP No.23664 of 2018**

Ajaib Khan

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Nandan Jindal, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. Petitioner seeks quashing of order dated 07.08.2018 (Annexure P-3) passed by District Magistrate, Sangrur, vide which his request for parole for three weeks enabling him to meet his family members has not been recommended.

2. The petitioner is undergoing life imprisonment in case FIR No.14 dated 24.02.2012 under Section 302/307/34 IPC registered at Police Station Sherpur, District Sangrur vide judgment and order passed by the Additional Sessions Judge, Sangrur on 31.10.2015.

3. In reply, the State has taken a stand that the petitioner is a 'B' category gangster as he is involved in many criminal cases and if he is released on parole, there is threat to state security.

4. Having heard learned counsel for the parties and after carefully going through the file, I am of the view that this is not a case in which parole should be denied to the petitioner to meet his family members. The parole

can be granted for the purpose to meet his family members to socialize the convict with his family members and the society. The only ground taken is that if the petitioner is released on parole, there is threat to the state security. To allay the apprehension, adequate conditions can be imposed on her and her conduct can be kept under watch in case parole is granted. A Panchayatnama from Gram Panchayat Dugan, Block & District Sangrur is also annexed with the petition. The Gram Panchayat strongly recommended his case for parole as there is no danger to the breach of peace if he comes on parole. It being so, the apprehension of breach of peace is just imaginary. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good. My view is that the benefit of temporary release by way of parole is admissible.

5. In view thereof, the petition is allowed and the impugned order dated 07.08.2018 (Annex P-3) is set aside. Petitioner is ordered to be released on parole for three weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

6. Petition stands allowed accordingly.

02.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No