

CRWP-425-2020

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

CRWP-425-2020

Date of Decision: 25.02.2020

Prem Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Anupam Bhanot, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

HARNARESH SINGH GILL, J. (Oral)

The present criminal writ petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of certiorari for quashing the order dated 25.01.2018 (Annexure P-1) passed by respondent No.2 whereby application moved by the petitioner seeking temporary release on parole under Sections 3 (1) (C) and (D) of the Punjab Good Conduct Prisoners (Temporary) Release Act, 1962, for eight weeks, was dismissed.

Learned counsel for the petitioner states that the petitioner has since been convicted in two cases and he has already filed two separate appeals i.e. CRA-S-1664-SB-2015 and CRA-S-4260-SB-2016, challenging his conviction. She further states that sentence of the petitioner was suspended vide order dated 22.10.2018 passed in CRM-3130-2018 in CRA-S-1664-SB-2015. She further submits that so far as CRA-S-4260-SB-2016 is concerned, the petitioner has already undergone the actual sentence of 3½ years. The petitioner has never committed any jail offence and his conduct

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in the jail is good. She further contends that except the petitioner, there is no other male member in his family to look after his old aged parents and, therefore, a prayer has been made for temporary release of the petitioner on parole.

On the other hand, learned State counsel opposes the prayer made in the present petition. It is stated in the reply filed by way of short affidavit of Sh. Pardeep Kumar, I.A.S, District Magistrate-cum-Deputy Commissioner, Tarn Taran, that the petitioner is a hardcore criminal and can jump the parole during parole leave and, therefore, his application for temporarily release was rejected.

I have heard the learned counsel for the parties.

It is a case in which the petitioner has already undergone the actual sentence of 3½ years, as stated by the learned counsel for the petitioner. There is no offence committed by the petitioner in the jail.

Considering the above circumstances, the present petition is allowed and the impugned order dated 25.01.2018 (Annexure P-1) is set aside. The petitioner is ordered to be released on parole w.e.f. 27.02.2020 to 27.03.2020, to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual towards 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.

25.02.2020

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

: Yes/No

: Yes/No