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

CRWP No.354 of 2020

Date of Decision: 14.02.2020

DEEP GIR

.....Petitioner

Vs

STATE OF PUNJAB AND ORS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms. Bhupinder Pal Kaur Brar, Advocate and
Mr. Rajpreet Singh Brar, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition against the order dated 11.03.2019 passed by respondent No.3 vide which release of the petitioner for six weeks parole was rejected on the ground that there is apprehension of breach of peace and public tranquility.

Reply filed by way of affidavit of Balwinder Singh, PPS Superintendent, District Jail, Sangrur on behalf of respondents No.1 to 4 in Court is taken on record.

Petitioner was convicted in FIR No.119 dated 27.09.2016 registered under Sections 377 IPC and 3/4 of the

Protection of Children from Sexual Offences Act, 2012
registered at Police Station Moonak.

Learned counsel for the petitioner submitted that the apprehension shown by respondent No.3 is non-existent as the Gram Panchayat has given panchayatnama in favour the petitioner showing that there is no apprehension or danger of security of the State and breach of peace in the area, if the petitioner is granted parole for meeting his old parents and to take care of them.

Learned counsel relied upon order dated 08.05.2017 passed in **CRWP No.64 of 2017** titled '**Sagar Kumar vs. State of Punjab and others**' by the Division Bench of this Court in similar circumstances.

As per custody certificate filed by learned State counsel, petitioner has undergone 03 years 08 months 03 days of actual sentence as on 13.02.2020. Petitioner is not involved in any other case.

Petitioner is not a hardcore prisoner. In the facts and circumstances of the case, it cannot be appreciated that the release of the petitioner would in any case disturb any peace and public tranquility of the area.

In view of ratio of **Sagar Kumar vs. State of Punjab's** case (supra), I deem it appropriate to set aside the impugned

order dated 11.03.2019 passed by respondent No.3 and direct the competent authority to grant parole to the petitioner as per norms.

Ordered accordingly.

February 14, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)

JUDGE

Yes/No

Yes/No