

CRWP-732 of 2020

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

CRWP-732 of 2020
Date of Decision: 10.02.2020

Jugal Kishore

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Sarla Chaudhry, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this Criminal Writ Petition under Articles 226/227 of the Constitution of India, convict has sought agriculture parole in view of Section 3(1) c of the Punjab Good Conduct of Prisoner's Temporary Release Act, 1962 (in short 'the Act') for six weeks and to meet the family members under Section 3(1) d of the Act.

Reply filed by the State shows that earlier also in the year 2016, petitioner applied for similar parole, which was rejected by the District Magistrate, Bikaner. Consequently, petitioner filed CRWP No.789 of 2017, wherein a Co-ordinate Bench of this Court vide order dated 27.11.2017 granted three weeks' parole to the petitioner. According to State's reply, petitioner did not commit any mis-conduct during his period of parole and surrendered in the jail on 07.02.2018, the date fixed by the authorities.

Perusal of Annexure P-1 shows that District Magistrate,

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Bikaner, rejected the request of the petitioner for grant of parole on the basis of report bearing No.8664 dated 31.12.2018 of the Superintendent of Police, Bikaner. The State has not produced the said report for the reasons best known to it. Thus, this Court is in the dark as to what were the reasons for the Superintendent of Police, Bikaner, recommending to the District Magistrate, Bikaner, for rejection of parole to the petitioner.

Since, earlier in the year 2017 on grant of three weeks' parole, petitioner did not mis-conduct and surrendered on time, therefore, this Court, disagreeing with report of the Superintendent of Police, Bikaner, and order of District Magistrate, Bikaner, orders release of petitioner on parole for a period of three weeks for agriculture parole on his furnishing requisite sureties along with additional surety that he will not indulge in any activity under the Narcotic Drugs and Psychotropic Substances Act and in case of any threat to the security his parole shall be cancelled forthwith.

Disposed of.

Copy of this order be sent to the concerned quarter for compliance and necessary action.

February 10, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No