

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

(220)

CRWP-5291-2020

Date of Decision: 23.09.2020

Sukhjinder Singh @ Sukhi

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sanjeev Sharma, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab

SUDIP AHLUWALIA, J. (ORAL)

Seen the reply filed by way of Short Affidavit of the Superintendent, Central Jail, Kapurthala, on behalf of respondents, in para 8 of which, it has been mentioned that the petitioner became eligible to be considered for Parole only after 04.01.2019.

2. The petitioner's application for grant of 8 weeks' parole was, however, rejected by the District Magistrate, Jalandhar (Respondent No.3), vide impugned order dated 06.10.2019. It was mentioned therein that as per report of Senior Superintendent of Police, Jalandhar, 6 cases had been registered against the petitioner and out of which 5 are still pending and that the prisoner (Petitioner) is a Gangster and had earlier fled away from the police custody and also shot at Police Officer and that his release on parole may disturb the peace and there is danger to the State security also.

3. Learned counsel for the petitioner from his side has sent up a copy of the statement given by PW-2 SP Vikramjeet Singh Panthey, Superintendent Jail, Hoshiarpur, in the trial arising out of FIR No. 119 dated 28.06.2015, registered at Police Station Basti Balwa Khel, District Jalandhar in the Court of Shri Darbari Lal, Additional District Judge-III, Jalandhar in which it is seen that the said witness had altogether denied the involvement of the petitioner in the alleged incident of shooting at the witness while he was travelling.

4. It is well settled that merely an apprehension that release of convict would result in disturbance of peace or danger to State security or the likelihood of the prisoner getting involved in more offences, if so, released on parole, is not, in itself, a ground to deny the benefit of parole to him, in view of the Division Bench decision of this Court in **Jassa Singh @ Jassa Versus State of Punjab 2016 (5) RCR (Criminal) 522**, as well as in various other decisions of Single Benches such as in **CWP No.19340 of 2019 titled as Manjit Singh @ Laddu Versus State of Punjab and others, decided on 02.09.2019**, in **CWP No. 23664 of 2018 titled as Ajaib Khan Versus State of Punjab and others, decided on 02.09.2019**, in **CWP No. 28868 of 2018 titled as Kulwant Singh @ Laddi Versus State of Punjab and others, decided on 07.03.2019**, in **CRWP No.2156 of 2019 titled as Jeet Singh Versus State of Punjab and others, decided on 07.01.2020**, and **CRWP No. 1143 of 2020 titled as Amritpal Singh @ Amba Versus State of Punjab and others, decided on 17.08.2020**.

5. Learned counsel for the State in all fairness concedes that the Judicial pronouncements on this question are certainly in favour of the prisoner.

6. In view thereof, the petition is allowed and the impugned order dated 06.12.2019 (Annexure P-2) is set aside. Petitioner is ordered to be released on parole for four weeks from the date of his actual release, to the satisfaction of the District Magistrate concerned, who is further directed to impose such condition 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 the temporary release is not misused.

7. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

23.09.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No