

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Writ Petition No.5367 of 2020

Decided on: July 31, 2020

Ravdeep Kaur

....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JAWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Onkar Singh Batalvi, Advocate, for the petitioner.

Mr. H.S. Grewal, Additional Advocate General, Punjab.

Sant Parkash, J

The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.

The instant writ petition has been preferred by the petitioner – convict under Article 226/227 of the Constitution of India read with the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, praying for issuance of a writ in the nature of Mandamus, directing the respondents to release the petitioner on parole for a period of at least six weeks.

The petitioner, a lady aged 56 years, is undergoing life imprisonment in Central Jail, Patiala, in case FIR No.321 dated 14.10.2005 under Sections 302, 120-B, Police Station, Civil Lines, Patiala, vide judgment/order dated 20.03.2012 passed by the trial court.

Learned counsel for the petitioner has contended that petitioner has undergone 14 years of imprisonment. She applied for grant of parole for six weeks to the concerned authority, whereupon, the Senior Superintendent of Police, Patiala, submitted his report dated 23.10.2019 (Annexure P-1) to

the District Magistrate, Patiala, to the effect that police has no objection and there is no apprehension of disturbance of peace in the area. Lateron, another report dated 20.01.2020 (Annexure P-2) was also submitted by the Senior Superintendent of Police, Patiala to the District Magistrate, Patiala recommending parole to the petitioner whereon no decision has been taken so far.

Learned counsel for the State has opposed the prayer made by the petitioner on the ground that she has already availed the benefit of parole for five times. On 06.12.2014, she was released for two weeks' emergency parole and did not report back in jail, whereafter an FIR was registered against her and she was arrested by the police and sent back to jail on 06.12.2015 vide orders passed by the Chief Judicial Magistrate, Patiala. Accordingly, the instant petition is liable to be dismissed.

We have heard learned counsel for the parties and with their assistance, have gone through the record.

A perusal of reports (Annexure P-1 and P-2) shows that the Senior Superintendent of Police, Patiala, has twice recommended the request of the petitioner mentioning that police has no objection and there is no apprehension of breach of peace in the area, and even mohalla residents don't have any objection in case the petitioner is granted the benefit of parole. Despite the recommendations by the Senior Superintendent of Police, Patiala, no decision has been taken by the District Magistrate, Patiala, in the matter so far.

Keeping in view the fact that the petitioner has already undergone about 14 years of imprisonment and her request is pending before the concerned authority since long despite the recommendation/reports

with a direction to the concerned District Magistrate to take appropriate action in the matter, in accordance with law, within a period of two weeks from the date of receipt of a certified copy of this order.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

July 31, 2020
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Whether Speaking :	Yes/No
To be reported or not :	Yes/No