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

CRWP No. 5886 of 2020  
Date of Decision: 22.09.2020

Nirmal Singh @ Chamkila

-Petitioner

Versus

State of Punjab and others

-Respondents

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

Present: Mr. Amit Kumar Walia, Advocate,  
for the petitioner.

Mr. R.P. Singh, D.A.G., Punjab.

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**RAJ MOHAN SINGH, J. (Oral)**

1. The case has been taken up for hearing through video-conferencing.

2. Petitioner seeks issuance of necessary directions in the nature of mandamus directing the respondents to release the petitioner on parole of 08 weeks under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

3. Petitioner was convicted and sentenced to undergo RI for 05 years vide order dated 06.06.2019 passed by Additional Sessions Judge, Sangrur in case bearing FIR No.188 dated 19.09.2016 under Sections 120-B, 379-B, 341, 323, 324, 382, 411 IPC and under Section 25 of Arms Act registered at Police Station Sadar Dhuri, District Sangrur.

4. CRA-S No.2473 of 2019 filed by the petitioner is pending in the High Court.

5. Petitioner filed an application for release on parole for a period of 08 weeks to look after his family members and to attend other affairs of the family. Prayer has been declined by respondent No.3 vide order dated 13.01.2020.

6. Perusal of the order would show that the parole has been declined as per report submitted by Senior Superintendent of Police wherein it has been reported firstly that the petitioner is serving the present sentence. Secondly, that the family of the petitioner is comprising of father, mother and wife. Thirdly, the petitioner is involved in number of cases and his release would cause a threat to the State security and cause breach of peace and public tranquility.

7. The State in its reply has relied upon the conviction recorded in the present case and also the order of acquittal by the court of Additional Chief Judicial Magistrate, Barnala on 19.11.2019 in FIR No.30 dated 17.03.2015 under Sections 341, 325, 323, 427, 506, 120-B, 34 IPC, Police Station Barnala. In FIR No. 147 of 2016 under Sections 307, 435, 341, 323, 336, 506, 427, 148, 149, 325 IPC, Police Station Sadar Dhuri, petitioner is on bail. Similarly, in FIR No.81 of 2016 under Sections 458, 427, 148, 149 IPC, Police Station Sherpur,

petitioner is on bail. According to the reply filed by the State, petitioner is in custody only in the present case.

8. Learned counsel for the petitioner has relied upon the judgment of acquittal dated 31.10.2017 passed in FIR No.04 dated 01.01.2016 under Sections 382, 379-B, 411 IPC Police Station Barnala, judgment of acquittal dated 19.11.2019 passed by Additional Chief Judicial Magistrate in FIR No.30 dated 17.03.2015 (as disclosed in the State reply). In other two cases, petitioner is on bail.

9. The Division Bench of this Court in case of **Varun @ Gullu vs State of Haryana and others, CRM-M No.34013 of 2009**, decided on 26.04.2010 has observed that the authorities must consider the case of temporary release on parole or furlough of the convict on the grounds mentioned under Section 6 of the Act not in mechanical manner. Any mechanical rejection of request such as plea of breach of apprehension of peace is not warranted by law. The competent authority should pass reasoned and speaking order while declining the prayer for release on parole.

10. In view of directions issued by the Division Bench of this Court in the aforesaid case, the impugned order dated 13.01.2020 is hereby set aside.

11. Respondent No.3 is directed to pass fresh order in

accordance with law after taking note of facts, circumstances and legal position involved in the present case, within a period of one month from the date of receipt of certified copy of this order.

12. Disposed of.

September 22, 2020

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

1. Whether speaking/reasoned : Yes/No  
2. Whether reportable : Yes/No