

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

CRWP-7440-2020

Date of Decision: 16.10.2020

Gamdoor Singh @ Gura

...Petitioner

Versus

The State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Mohd. Salim, Advocate,
for the petitioner.

Mr.H.S.Grewal, Addl. A.G., Punjab.

SANT PARKASH, J.

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

The instant criminal writ petition has been preferred by the petitioner-convict under Article 226 of the Constitution of India read with the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, praying for issuing of a writ in the nature of mandamus, directing the respondents to release the petitioner on parole for a period of 8 weeks.

The petitioner is undergoing life imprisonment in District Jail, Sangrur in case FIR No.34 dated 05.04.2017 registered under Sections 376/366-A/323/307 IPC and Sections 4 & 6 of the POSCO Act, 2012 at Police Station Moonak, District Sangrur.

Notice of motion has been issued in this case.

Learned counsel for the petitioner submits that parents of the petitioner are not keeping good health and suffering from various old aged ailments. There is no other male member in the family to look after them. He further submits that the petitioner applied for grant of parole but his request was orally rejected by the authority.

On the other hand, learned counsel for the State has opposed

the prayer of the petitioner while placing reliance on the reply by way of affidavit dated 12.10.2020 submitted on behalf of respondents No.1, 2 and 6.

We have heard the learned counsel for the parties and have gone through the file as well as the said reply/affidavit.

The sole ground raised by the petitioner for seeking parole was to meet his parents on the ground of their illness. However, he has not placed on record any medical history of his parents in this regard. As per the reply dated 12.10.2020, it is clearly mentioned that parole of the convict-petitioner was not recommended on the ground that the prosecutrix/victim of the present case belongs to the same village and if the convict, who had committed rape upon her, is released on parole, then it may pose threat to the society and there is apprehension of disruption of peace and harmony. The apprehension of the authorities in declining the parole to the petitioner is very well founded and cannot be allowed to be assailed by raising frivolous ground of ill-health of parents. Further granting or refusal of the parole is the subjective satisfaction of the concerned authorities under the special enactment and this Court should exercise the jurisdiction under Article 226/227 of the Constitution of India very sparingly and under exceptional circumstances.

Keeping in view the facts and circumstances of the case, the present criminal writ petition is dismissed being devoid of any merit.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

16.10.2020

mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO