

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8449-2020 (O&M)
Date of decision : 29.10.2020

Satish Kumar

...Petitioner(s)

Versus

The State of U.T. Chandigarh and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner(s).

Mr. Manish Jain, A.P.P., U.T. Chandigarh.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

CRM-W-1072-2020

CRM application is allowed as prayed for and Annexures P-6 to P-8 are taken on record, subject to all just exceptions.

Main case

This is a petition under Article 226 of the Constitution of India seeking quashing of impugned order dated 07.10.2020 (Annexure P-5), passed by respondent No.2, whereby, the prayer to release the petitioner on parole for 04 weeks has been declined.

States that as per Section 3 of the Punjab Good Conduct

Prisoner's (Temporary Release) Act, 1962 and Amended Act, 2018, the petitioner is entitled to avail parole not exceeding sixteen weeks during a calendar year.

Learned counsel representing the U.T. Administration informs that the case of the petitioner is not covered under Section 3 of the Act i.e. grounds on which the parole could be availed.

Heard.

The illness of wife of the petitioner is stated to be the reason for availing parole. Though, the application was moved in the month of July, 2020, but the medical record furnished by the petitioner (Annexures P-6 to P-8) pertains to the month of October, 2020.

However, the prayer of the petitioner has been declined by the respondents on the report of the local police apprehending that the petitioner may commit crime of a similar nature. It is to be noted that the earlier also, the petitioner had availed parole twice for four weeks' each and surrendered back to the jail authorities after availing it. There is nothing on record to show that he misused the concession granted or indulged in any unlawful activity during this period. Therefore, the observation made by the authorities lacks any reasonable foundation.

In the circumstances, we are inclined to accept the prayer made. Accordingly, the instant petition is allowed and the petitioner is granted parole of four weeks on his furnishing surety bonds to the satisfaction of the competent authority/Duty Magistrate. The petitioner shall surrender before

the jail authorities on the date and time to be noticed by the releasing Court/Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

29.10.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No