

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

206

CRWP No. 1443-2019 (O&M)

Date of Decision: 25th September, 2020

Gurmit Singh @ Kala

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: JUSTICE S.MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. H.S. Batth, Advocate for the Petitioner.

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

Dr. S. Muralidhar, J.

CRM-W-152-2020

1. This is an application seeking leave to place on record certain documents as Annexures P-6 to P-9. The application also prays for exemption from filing certified copies of the aforesaid documents.

2. For the reasons stated therein, the application is allowed.

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3. This is the second round of litigation at the instance of the Petitioner for grant of parole. Earlier, the Petitioner had filed CWP No. 29173 of 2018 in this Court. The said writ petition challenged an order dated 17th November, 2017 of the Deputy Commissioner, Tarn Taran/Respondent No. 3, rejecting the Petitioner's parole application on the apprehension that his release would pose a threat to the security of the state and maintenance of public order. The writ petition was decided by an order dated 8th February, 2019, the operative portion of which reads as under:

"This petition is allowed. The impugned order is set aside. The respondents are directed to re-consider the case of the petitioner for release on parole in view of the above observations. The exercise be carried out and necessary order passed within a period of three weeks from the date of receipt of a certified copy of this order."

4. Pursuant to the aforesaid order of this Court, a report was called from Senior Superintendent of Police, Tarn Taran ('SSP'). In the report dated 23rd March 2019, the SSP stated that “both the sons of the prisoner are quite young and intelligent and they can do their agricultural work along with their studies”. It was stated in the aforesaid report that the “wife of the Petitioner has not clarified in her affidavit the disease which she is suffering from nor any record has been produced by her about her disease, which shows that she needs to undergo surgery”. The report noted that in the initial parole application, rejected on 17th November, 2017, the Gram Panchayat had stated that the Petitioner's mother was ill, whereas “now he has mentioned that his wife is to be operated”. It was observed that the Petitioner “wants to avail parole on the pretext of different decisions”. It was further noted that “secret sources have reported that the prisoner Gurmeet Singh may indulge in narcotic business” and that he “may jump parole and there may be danger to maintenance of public law and order”. For all these reasons, it was recommended that the Petitioner not be released on parole.

5. Adverting to the observations and the recommendation set forth in the aforesaid report dated 23rd March, 2019 of the SSP, the Respondent No. 3 by an order dated 25th March, 2019 rejected the Petitioner's application for parole. Thereafter, the present petition, challenging the report dated 23rd March, 2019 of the SSP and praying for grant of parole for a period of six weeks on the ground of the illness Petitioner's mother, came to be filed.

6. It is seen that the Petitioner has been confined in prison since 2nd September, 2016. His jail conduct has been satisfactory. There is neither any jail offence report nor any indication of his having involving himself in any other case.

7. The Court finds merit in the contention of Mr. H.S. Batth, learned Counsel for the Petitioner, that the Petitioner's application for parole was rejected a second time for a reason identical to the one for its rejection earlier and is, thus, mechanical.

8. It is seen that the apprehension that the Petitioner may jump parole and may endanger maintenance of public law and order is not based on any material. It thus a mere apprehension. The Court is therefore not satisfied with the reasons for the rejection of his application for parole.

9. In the circumstances, the Court is of the view that impugned report dated 23rd March, 2019 of the SSP and the consequent order dated 25th March, 2019 of the Respondent No. 3 rejecting his parole application for a second time, deserve to be set aside. It is directed that the Petitioner be released on parole for a period of six weeks from the date of his release, subject to the satisfaction of the Jail Superintendent and subject to the further condition that he will immediately surrender on the expiry of his period of parole.

10. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

25th September, 2020
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Whether speaking/reasoned:	Yes
Whether Reportable:	No