

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

**CRWP-1505-2019**  
**(Heard through VC)**  
**Date of decision: 17.08.2020**

**Tarlok Singh @ Bittu**

**....Petitioner**

**V/s.**

**State of Punjab and others**

**....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. J.S.Sidhu, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl.A.G., Punjab.

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**Ritu Bahri, J. (Oral)**

This petition is for quashing of order dated 12.09.2019 (Annexure P-3) whereby application made by the petitioner for grant of parole has been rejected by the District Magistrate, Fatehgarh Sahib.

As per the order dated 12.09.2019 (Annexure P-3), the case of the petitioner was sent to the Senior Superintendent of Police for inquiry under Section 3(2) of the Punjab Good Conduct Prisoners (Temporary) Release Act, 1962 vide letter dated 06.03.2019 and as per the report of Senior Superintendent of Police dated 06.08.2019, his case not recommended.

After notice of motion, reply has been filed by the respondents No. 1 to 3. Alongwith this reply, letter dated 12.09.2019 sent to the Superintendent, New District Jail, Nabha has been placed on record as Annexure R-1 Even in this letter, reference has been made to the inquiry conducted by Senior Superintendent of Police but no reason has been given as to how petitioner's release on parole will have apprehension of breach of peace.

A reference can be made to order dated 26.04.2010 in case of **CRM-M-34013-2009** titled as **Varun @ Gullu V/s. State of Haryana and others** decided on 26.04.2010 whereby it has been observed that petitioner has right to be released on parole/furlough if there is only apprehension of breach of peace.

In the facts of the present case, report of Superintendent of Police dated 06.08.2019 has not been placed on record by the respondents and the only stand taken in the reply is that Senior Superintendent of Police had not recommended release of the petitioner on parole.

As per the application dated 05.02.2019 (Annexure P-1), the petitioner wishes to be released on parole to get his house repaired which is in very bad condition and his tenant Munish Kumar s/o Datta Ram wants to take possession of his house forcibly.

Moreover the Panchayat resolution dated 05.02.2019 (Annexure P-2/T) also certifies that the petitioner Tarlok Singh is the resident of House No. 2 ward 14 Hamayunpur Sarhind and there is no threat of breach of law and order to the security of the village if he is released on parole.

Since no specific reason has been given by the Senior Superintendent of Police in his report dated 06.08.2019, this petition is allowed and direction is given to the respondents to release the petitioner on six weeks' parole to repair his house.

**17.08.2020**

Divyanshi

**RITU BAHRI  
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**