

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

CRWP-1574-2019

Date of Decision: 30.01.2020

Nazir Khan

... Petitioner

Versus

U.T. Chandigarh and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN
 HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Ms. Avneet K. Brar, Advocate
 for the petitioner(s).

Mr. J.S. Toor, Additional Public Prosecutor, U.T. Chandigarh.

JITENDRA CHAUHAN.J.(ORAL)

This petition under Articles 226/227 of the Constitution of India to issue direction to respondent No.3 to release the petitioner on parole for 28 days in case FIR No.266 dated 27.07.2012, registered under Sections 302, 307, 394, 397, 460 read with Section 34 IPC & Sections 25 & 27 of the Arms Act at Police Station Sector-17, Chandigarh.

Learned counsel for the petitioner states that petitioner deserves the concession of parole under Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 as he had already availed the remedy of parole seven times and never misused the same and always surrendered back on time.

On the other hand, learned State counsel submits that though there is no other FIR pending against the petitioner, the District Magistrate, U.T. Chandigarh has not recommended the parole to the petitioner. There is apprehension that the petitioner may jump the parole. Learned State counsel

has also placed on record the Custody certificate in the Court and same is taken on record. As per the custody certificate, the petitioner has undergone actual sentence of 7 years, 5 months & 28 days and 08 years, 07 months and 08 days including remission.

Heard.

This is to be noticed that the petitioner has never misused the concession of parole earlier granted to him. There is no concrete evidence which can be made basis for the apprehension of the Jail authorities that the release of the petitioner is likely to endanger the security of the State and maintenance of public order.

In view of the above and considering the past conduct of the petitioner, the present petition is allowed and the petitioner is granted parole for 28 days subject to furnishing surety bonds to the satisfaction of the 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

(ARCHANA PURI)
JUDGE

30.01.2020

ps-I

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No