

CRWP-1795-2019

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

Sr. No.214

CRWP-1795-2019

Date of Decision: 26.02.2020

AJAIB KHAN

....Petitioner

VS

STATE OF PUNJAB AND ORS

....Respondents

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

Present: Mr. Nandan Jindal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, D.A.G., Punjab.

JITENDRA CHAUHAN, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India read with Section 3(1)(b) & (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, for issuance of a criminal writ in the nature of certiorari for quashing of impugned rejection report dated 21.11.2019 (Annexure P-4) passed by respondent No.3, whereby parole of the petitioner has not been recommended on the basis of report of the Senior Superintendent of Police, Sangrur, and further for issuance of a writ in the nature of mandamus for directing the respondents to release the petitioner on parole for three weeks for the purpose of meeting his family members and to look after them.

Custody certificate of the petitioner has been filed in the Court today and the same is taken on record.

Learned counsel for the petitioner states that he was earlier

released on parole. He further states that the petitioner did not misuse the said concession and no complaint for breach of any law and order by the petitioner was received during the period of parole.

Heard.

On the last date of hearing, learned State Counsel was directed to collect information as to whether the petitioner had extended threat to co-villagers and whether anybody has lodged any complaint against him. No such information has come on record.

The petitioner has earlier not misused the concession of parole and particularly in this view of the matter, he is entitled to be released on parole. In the circumstances, this Court is inclined to allow this petition. Ordered accordingly.

The petitioner is ordered to be released on parole for a period of 21 days from the date of his release as per Rules on furnishing bonds to the satisfaction of the District Magistrate/Duty Magistrate concerned. The petitioner shall surrender before the jail authorities after expiry of 21 days and date of surrender to be noticed by the releasing Court.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

26.02.2020

Himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No