

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

CRWP-2309-2019(O&M)

Date of decision: 5.2.2020

Avtar Singh @ Avtar Singh Saini

...Petitioner

Versus

Union Territory of Chandigarh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Anshul Sharma, Advocate as
Legal Aid Counsel for the petitioner.

Mr.Rajiv Vij, Additional Public Prosecutor, U.T. Chandigarh.

H.S. MADAAN, J.

This criminal writ petition has been filed by the petitioner Avtar Singh @ Avtar Singh Saini, who is lodged in Model Jail, Chandigarh as a convict in a complaint case and sentenced to undergo rigorous imprisonment for two years and to pay a compensation of Rs.24 lakhs. The ground taken for release on parole is that the petitioner has to carry out agricultural operation qua his land situated in SAS Nagar (Mohali) since there is no other family member to look after the said land.

The petitioner is involved in 15 other criminal cases, the details thereof, the stages and result in some of them are mentioned in the petition. The petitioner had moved an application for grant of parole before Superintendent of Police, Model Jail, Chandigarh. However, it was rejected. Therefore, he has approached this Court by way of filing the present petition.

On getting notice, respondent – U.T. Chandigarh has appeared through Additional Public Prosecutor and filed reply by way of affidavit of Joint Inspector General of Police-cum-Superintendent, Model Jail, Burail, U.T. Administration, Chandigarh. The averments in the petition are vehemently contested contending that the petitioner has not approached the Court with clean hands because while filing the present petition, the petitioner sought parole on the ground that he has to carry out agricultural operation on his land, whereas the petitioner has never applied to the respondents for grant of parole on that ground and rather he had prayed for being released on parole to meet his family members and to fulfill his family obligations; that the application was filed on 13.12.2018; that the District Magistrate after getting the matter verified did not recommend his release on parole; that the petitioner had again submitted an application for grant of parole for 28 days on account of attending marriage of his niece. In the end, the respondents prayed for dismissal of the petition.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for respondent – U.T. Chandigarh besides going through the record and I find that no case for acceptance of petition

is made out. As a matter of fact the petitioner has moved applications for parole on one ground or the other. While moving application for grant of release before Superintendent of Police, Model Jail, Chandigarh, he had given reason for parole to meet his family members and to discharge his other obligations, whereas in the present petition the ground taken is otherwise i.e. for doing agricultural work. He had also sought parole on another ground of attending the marriage of his niece, which was fixed for 26.1.2020. The petitioner is involved in 15 other criminal cases and the District Magistrate after getting the matter verified has not recommended his release on parole.

Therefore, the present petition stands dismissed.

However, it is observed that in case the petitioner moves fresh application for release on parole giving sound reasoning, the same be considered and disposed of in accordance with law.

5.2.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No