

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

CRWP NO.10-2021  
Date of Decision: 04.01.2021

GURJANT SINGH @ JANTA

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH  
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Kuldeep V. Singh Ahluwalia, Advocate  
for the petitioner.

Mr. H.S. Grewal, Addl.A.G., Punjab.

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**SANT PARKASH , J.**

*(The aforesaid presence is being recorded through video conferencing  
since the proceedings are being conducted in virtual court)*

Instant petition has been filed under Article 226 of the Constitution of India directing the respondents to release the petitioner on emergency parole for a period of 15 days for the knee surgery of his son.

The petitioner was tried in FIR No.65 dated 06.07.2012, under Sections 303, 302, 392, 307 read with Section 149 and Section 148 of IPC and Section 25/27/54/59 of the Arms Act, Police Station Nihal Singh Wala, District Moga and accordingly, he has been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the knee surgery

of the son of the petitioner has to be conducted on 06.01.2021 and there is no other responsible male member in the family to take care and to provide monetary help to him. The petitioner has already requested for 15 days emergency parole on the same ground before the jail authority but no response has been received. Moreover, the other co-accused of the petitioner has been granted parole. The petitioner is undergoing the sentence in present case and in another case of NDPS Act. Except these cases, there is no other case pending against the petitioner at present and acquitted in all cases.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner. He further submits that earlier, when the petitioner was released on parole in FIR No.75 dated 12.08.2007, he committed the murder of a Sarpanch as well as his brother. As such, he prays for dismissal of instant petition.

After having heard learned counsel for the parties, perusing the paper book and keeping in view the fact that during earlier parole in FIR No.75 dated 12.08.2007, the petitioner committed the murder of a Sarpanch as well as his brother and, thus, he does not deserve any concession of parole. Moreover, if the petitioner comes out on parole, there is every likelihood of danger to the peace/law and order situation.

Lastly, the petitioner has sought the concession of parole on the ground of parity as extended to the co-accused. Even, this submission of the learned counsel for the petitioner is totally misconceived. The order passed by a Coordinate Bench of this Court cannot be cited as binding precedent and the role of each and every accused/convict has to be

assessed individually and independently before considering his request. Thus, no ground is made out to grant of emergency parole to the petitioner.

In view of the above, we do not find any merit in the instant petition and same is accordingly dismissed.

**(JASWANT SINGH)  
JUDGE**

**(SANT PARKASH)  
JUDGE**

04.01.2021  
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**whether speaking/reasoned: Yes/No**  
**whether reportable: Yes/No**