

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

CRWP No. 218 of 2020
Date of decision: 11.11.2021

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Charanjit Singh @ Channa

...Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Bandana Trikha, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed for setting aside the order dated 08.06.2019 (Annexure P-1) whereby, respondent no. 2, the Deputy Commissioner, Ludhiana has declined the benefit of 6 weeks parole to the petitioner on the ground that there is apprehension of breach of peace as per the report of the local police. The petitioner was sentenced to undergo imprisonment for 25 years in FIR No. 44 dated 07.03.2018 under Sections 379, 363, 376-D/411 IPC read with Sections 5G and 12 of the POSCO Act, 2012 lodged at Police Station P.A.U., Ludhiana. The criminal appeal i.e. CRA-D-547-DB of 2015 is pending before this Court. The custody certificate would go on to show that the petitioner has undergone 6 years 7 months and 29 days of actual sentence.

In the reply filed by the State, the order as such has been justified, however, it was admitted that co-convicts namely Pawan Kumar, Kuldeep and

Yogesh have been granted the benefit of parole and have surrendered. On 12.10.2021, State had sought time to seek clarification regarding the admission made as to show how the similarly situated persons have been released on parole.

An affidavit of Balkar Singh Bhullar, PPS, Superintendent, Central Jail, Ludhiana has now been filed wherein, it has been stated that there is an adverse report dated 19.12.2018 submitted by the Commissioner of Police, Ludhiana against the petitioner. It has further been admitted that the parole case of Yogesh Kumar @ Kaali was also rejected by the District Magistrate, Ludhiana on 08.01.2019 but this Court in CWP No. 8746 of 2019 has granted 6 weeks' parole to the said person. He had been released on parole on 15.11.2019, as per the said order of the Deputy Commissioner.

It is not disputed that Yogesh Kumar, at present, is in custody as per the custody certificate now submitted, which shows that he has availed parole of over 1 year, 1 month and 13 days. Similarly, co-convict Pawan Kumar also availed parole of 1 year 6 weeks and 9 days and Kuldip Singh availed 1 year 6 months and 19 days of parole as per custody certificates now furnished. The custody certificate of the petitioner, however, shows that he has not been granted any such benefit. The petitioner is also similarly placed, as such, and is entitled for the same benefits, specially keeping in view the fact that he is in custody for over 6-1/2 years. It is settled principle that it is for the State, as such, to ensure that there is no breach of peace and the purpose of parole is to ensure that the convict, as such, can co-relate and interact with his family members while undergoing imprisonment.

Resultantly, the present petition is allowed. The petitioner is granted parole of 6 weeks from the date of release to the satisfaction of District

Magistrate, Ludhiana, who shall impose such conditions as may be required in the Jail Manual towards the ends of securing the presence of the petitioner in jail after the period of parole is over and done with so that temporary release is not misused. The District Magistrate shall also impose a condition that the petitioner does not approach the prosecutrix/victim or her family members during his period of parole.

(G.S. SANDHAWALIA)
JUDGE

11.11.2021
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No