

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

CRWP NO.811-2021

Date of Decision: 29.01.2021

SUKHWINDER SINGH @ GUGGU
@ GAGANDEEP SINGH @ GAGGI

....PETITIONER..

Versus

STATE OF PUNJAB AND ANR.

....RESPONDENTS

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

Present : Mr. Gurpal Kaur Dulat, Advocate for the petitioner.

Mr. SPS Tinna, Additional Advocate General, Punjab.

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 read with Section 3(1)(c) and (d) of the Punjab Good Conduct Prisoners (Temporary Release), Act, 1988 (for short, "Act"), for issuance of direction to respondent No.2 to release the petitioner on parole for a period of at least eight weeks to meet her mother and to do other necessary works.

The petitioner was tried in FIR No.94 dated 11.10.2016, under Sections 302, 323, 325, 148 and 149 IPC, Police Station Sherpur, District Sangrur on the allegations that he along with his co-accused committed the murder of a person, namely, Harkrishan Singh and accordingly, he had been convicted and sentenced for rigorous 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 petitioner had applied for parole for a period of eight weeks as per the provisions in the Act and his case was sent to the District Magistrate Sangrur, after completing all the formalities. But the parole case of the petitioner has been rejected vide order dated 19.11.2019 (Annexure P-1) on the ground that the petitioner, his father and brother have committed the murder of Harkrishan Singh and there is threat to peace and security of the State. The observations of the District Magistrate, Sangrur are totally erroneous as there is no threat to peace and security.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition.

After having heard learned counsel for the parties and perusing the paper book, this Court is of the considered opinion that the authority rejecting the parole has exercised its jurisdiction on the basis of the facts collected for considering the request of the petitioner for releasing him on parole. It has been specifically mentioned in the well reasoned order (Annexure P-1) that the petitioner is a man of bad character, who stares girls/ladies with evil eyes while standing in the chowk of mohalla and when he had been restrained from doing such act then he murdered Harkrishan Singh in chowk by giving kirpan blow in his abdomen. He is still giving threats that he will do again notorious act through persons who come out from jail on bail. If such type of convict is enlarged on parole, there is every apprehension that he would disturb the peace and security of Sherpur and put law and order in danger. Moreover, the ground taken

in the petition i.e. meeting with his mother and to do other necessary work does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole.

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**

29.01.2021
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whether speaking/reasoned: Yes/No

whether reportable: Yes/No