

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

CRWP NO.504-2021

Date of Decision: 18.01.2021

KULDEEP SINGH @ KEEPA

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

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

Present : Mr. R. Kartikeya, Advocate for the petitioner.

Mr. IPS Doabia, 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 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to consider and decide the representation dated 13.01.2021 (Annexure P-5); and further directing the respondents to release the petitioner for 08 weeks parole enabling him to perform the last rites of his mother, who expired on 10.01.2021.

The petitioner was tried in FIR No.36 dated 06.04.2017, under Sections 302 and 34 IPC, Police Station Nihal Singh Wala, District Moga and accordingly, he has been convicted and sentenced for 20 years imprisonment vide judgment dated 14.11.2018. 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 is

behind the bars since 2017. Prior to the filing of the present petition, petitioner approached the respondent-authority but, no decision was taken. Faced with this situation, the petitioner approached this Court by filing CRWP No.1817 of 2019, which was disposed of vide order dated 09.12.2019 with direction to the concerned authority to consider his case for grant of parole, in case, he is found to be entitled. But the case of the petitioner for grant of parole was not considered. Ultimately, petitioner approached this Court again by filing CRWP No.2052 of 2020 during the pendency of which, respondents filed an affidavit disclosing that the claim of the petitioner has been rejected vide order dated 24.02.2020 (Annexure P-2). In the meanwhile, petitioner submitted another request, which was forwarded after completing all the formalities. But the parole case of the petitioner has been rejected vide order dated 04.08.2020 (Annexure P-3), merely on the ground that there is alleged risk to security/maintenance of public order of State and there is risk of disruption in peace. Aggrieved against the aforesaid orders dated 24.02.2020 and 04.08.2020, petitioner approached this Court vide CRWP No.291 of 2021 and vide order dated 12.01.2021, this Court disposed of the petition with liberty to him to make fresh application for parole before the concerned authorities. Immediately thereafter, the petitioner through his brother Vakil Singh, submitted a fresh application dated 13.01.2021, but the same has not been considered and decided. Hence, the present petition.

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 as four more cases are registered against

him.

After having heard learned counsel for the parties and perusing the paper book, we are not inclined to extend the benefit of parole to the present petitioner. The solitary ground for seeking parole is to enable the petitioner to perform last rites of his mother but this fact is duly mentioned in the petition itself that the petitioner is having one brother and in our considered view, he can certainly perform the last rites. Even, if we consider the request of the petitioner for sending him to his village Manuke, Tehsil Nihal Singh Wala, District Moga for attending the last rites of his mother in custody, it would be of a great hardship and inconvenience to the jail authorities as well as to the police. The last rites are going to take place only tomorrow and the petitioner is lodged in Kapurthala Jail, from where, his native place is far away and it will be very difficult for the jail authorities and police to arrange police guards and to make necessary arrangements for the same. Moreover, it has been specifically mentioned in the orders dated 24.02.2020 and 04.08.2020 (Annexure P-2 and Annexure P-3 respectively) that there is danger to the security of the State and disruption of peace if he is released on parole because complainant of the case has expressed risk of life and family.

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

(JASWANT SINGH)
JUDGE

18.01.2021
sonika

(SANT PARKASH)
JUDGE

whether speaking/reasoned: Yes/No

whether reportable: Yes/No