

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

SMRITI
2021.04.20 17:36
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**CRWP-486-2021 (O&M)
Date of Decision: 20.04.2021**

MOHD ADIL

... PETITIONER

VS.

STATE OF PUNJAB AND ORS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. P.S.Sekhon, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab
for the respondents.

JITENDRA CHAUHAN, J.(ORAL)

The matter has been taken up through video-conferencing in
the light of the pandemic COVID-19 situation and as per instructions.

CRM-W-401-2021

The application is allowed and the documents Annexures P-2 to
P-4 are taken on record, subject to all just exceptions.

CRWP-486-2021

Prayer in the present petition filed under Article 226 of the
Constitution of India read with the Punjab Good Conduct Prisoners
(Temporary Release) Act, 1962 is for grant of eight weeks parole for
repairing his house and for taking care of his family members.

Reply by way of affidavit of Superintendent Central Jail,
Patiala, alongwith custody certificate of the applicant, has been circulated
through e-mail in the Court today by the learned State counsel and the same
is taken on record. Copy thereof has already been supplied to the learned
counsel opposite.

Learned counsel refers to copy of ration card (Annexure P-2), photographs (Annexure P-3) and certificate (Annexure P-4) issued by one Mohd. Imran, a neighbour of the petitioner duly attested by former Municipal Councillor, Malerkotla, to contend that the house of the petitioner is in a dilapidated condition and needs urgent repairs. His widowed mother, namely, Rukkiya Begum, a septuagenarian, is not keeping good health.

Learned State counsel opposes the prayer made by the petitioner and submits that the petitioner was convicted and sentenced in another case under the NDPS Act. There is every likelihood of breach of peace and law and order situation, in case the petitioner is released on parole. As such, the case of the petitioner was correctly not recommended by the competent authority.

Heard.

A perusal of photographs (Annexure P-3) reveals that the house of the petitioner requires repair. The apprehension of the State that there may be law and order problem and danger to the security of the State, in the event of the petitioner being released on parole, is misconceived and there is no cogent evidence to substantiate the same.

In **Chand Singh Versus State of Punjab 1996 (3) RCR Criminal 230**, this Court had observed as under:-

“It is the duty of the District Magistrate and the Superintendent of Police to maintain law and order in the area. If there is an apprehension for breach of peace, it is the duty of the police and the District Magistrate to look into the matter and give protection to the people who are expecting such danger from, the release of the accused on parole. The law laid down is that no body

can be released if his release is detrimental to the security or integrity of the country. The mere allegation that there is apprehension of breach of peace is no criteria on the basis of which the Inspector General of Prisons can refuse the release of the petitioner on temporary parole for a specified period as laid down in the section.”

In the instant case, considering the fact that there is no evidence of any misuse of parole or bail or any Court order on record and in view of the ratio of law laid down in Chand Singh's case (supra), we deem it appropriate to accept the prayer of the petitioner.

In view of the above, the present petition is allowed and the petitioner is granted six weeks parole, subject to his furnishing indemnity bond with two local sureties of the like amount to the satisfaction of the competent authority/Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be noticed by the releasing Court/Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(VIVEK PURI)
JUDGE

20.04.2021
smriti

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No