

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Writ Petition No.1019 of 2021

Date of Decision: March 16, 2021

Surjit Singh @ Lucky

..... PETITIONER(S)

VERSUS

State of Punjab & others

..... RESPONDENT(S)

. . .

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

. . .

PRESENT: - Mr. Bhanu Pratap Singh, Advocate, for the petitioner(s).

. . .

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 Constitution of India for grant of 06 weeks parole as per the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and the Punjab Good Conduct Prisoners (Temporary Release) Rules, 1963, to enable the petitioner to meet his family members and old age mother.

The petitioner was tried in FIR No.82 dated 24.05.2016, under Sections 121 and 121-A of IPC registered at Police Station Rahon, District SBS Nagar, wherein he has been convicted and sentenced for life imprisonment vide judgment dated 05.02.2019. 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 applied for parole for six weeks to enable him to meet his family members and old age mother, but his request has been rejected by respondent No.3- Deputy Commissioner, Gurdaspur vide order dated 15.04.2020 (Annexure P-1) on the basis of report of the Superintendent, Maximum Security Jail, Nabha, District Patiala that there was danger of dissolution of peace, tranquility and public order.

After having heard learned counsel for the petitioner 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 order dated 15.04.2020 (Annexure P-1) that there was danger of dissolution of peace, tranquility and public order. If such type of convict is enlarged on parole, there is every apprehension that he would indulge himself in the similar activity and would abscond. Moreover, the ground taken in the petition i.e. to enable him to meet his family members and old age mother does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole.

Otherwise also, it is the subjective satisfaction of the authority concerned to evaluate the circumstances seeking parole. Unless and until some arbitrariness or malafide is apparent in the order of the said authority, only then, this Court should intervene under Article 226/227 of the Constitution of India.

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

16.03.2021

Avin/manju

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No