

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRWP-849-2021 (O&M)
Date of decision: 08.03.2021

Charanjit

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. IPS Doabia, Additional AG, Punjab.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J.

Petitioner-Charanjit, stated to be aged 40 years, has filed the present petition *inter alia* with a prayer to direct the respondents to consider and decide the application dated 15.01.2021 (Annexure P-1) for releasing the petitioner on parole for six weeks under Section 3(1)(c) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred as 'the Act').

Learned counsel for the petitioner submits that this application was submitted by wife of the petitioner wherein, it has been inter alia submitted that husband of the applicant had shown his good conduct as when he was initially granted parole, he had immediately surrendered

without any default and had gone back to the prison. It is further submitted that her husband has not been given parole for the last four years.

Records of the case show that this Court on 23.02.2021, had issued notice of motion to the respondents.

Learned State counsel has shared a copy of the affidavit dated 08.03.2021 through electronic mode. In the reply filed by way of a short affidavit of Shivraj Singh, PPS, Superintendent, Central Jail, Patiala, on behalf of respondents No.1, 2 & 4, it has been inter alia pleaded that the petitioner is not entitled to be released on parole because the petitioner was convicted under Section 302 and 376 of Indian Penal Code. In this regard, learned State counsel relies on paragraph Nos.2 & 3 of the preliminary submission of the reply, which reads as under:-

“...2. That, as per notification of the Government of Punjab dated 07.01.2016 Para No.02, “In the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as the Principal Act), in Section 2,

(i) After clause (a), the following cause shall be inserted, namely:-

“(aa) “hardcore prisoners” means a person confined in prison under a sentence of imprisonment, who has been convicted of-

(i) An offence of rape with murder under Section 376 read with Section 302 of the Indian Penal Code, 1860;

3. That, copy of notification dated 07.01.2016 passed by the Government of Punjab is annexed as Annexure R-1.”

Faced with the situation, learned counsel for the petitioner prays for permission to withdraw the present criminal writ petition so as to

enable him to pursue the representation/application, submitted by his wife before the Competent Authority and thereafter, approach this Court, if necessity arises.

Accordingly, this Criminal Writ Petition is dismissed as withdrawn and the petitioner, if aggrieved of any fresh order, would always have liberty to approach this Court.

Ordered accordingly.

(JASWANT SINGH)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

08.03.2021
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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No