

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

CRWP-1953-2021

DATE OF DECISION:-11.05.2021

JAGJIT SINGH @ JUJ

...PETITIONER...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

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

Present: Mr. Brijesh Nandan, Advocate,
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

SANT PARKASH, J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

CRM-W-552-2021

Prayer in this application is for placing on record impugned judgment dated 06.09.2019 passed by Id. trial court.

Application is allowed as prayed for. Impugned judgment dated 06.09.2019 (Annexure P-2) is taken on record. Be tagged at appropriate place.

At this stage, learned counsel for the parties pray that the main case may also be taken up for hearing today itself.

Request allowed. Main case is taken up for hearing and final disposal today itself.

Main case

Prayer in this petition under Articles 226 and 227 of the Constitution of India is for setting aside the impugned order dated 15.07.2020 (Annexure P-1) passed by respondent No.2, whereby the application for grant of six weeks parole under Section 3(1) (A & D) of Punjab Good Conduct Prisoner Temporary Release Act, 1962 (Amended upto date) has been dismissed, with further prayer for issuance of direction to the respondents to release the petitioner for 06 weeks parole.

The petitioner was tried in FIR No.8 dated 31.01.2011, under Sections 302, 307, 324, 323, 326, 450, 120-B and 149 IPC, registered at Police Station Sirhali and accordingly, he has been convicted and sentenced to undergo imprisonment till biological death vide judgment and order dated 06.09.2019. Against the judgment of conviction and order of sentence, the petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that on 27.05.2020, the petitioner moved an application seeking parole for six weeks to meet his family members before respondent No.4 and his case was sent to the Deputy Commissioner, Tarn Taran, after completing all the formalities. But the parole case of the petitioner has been dismissed vide order dated 15.07.2020 (Annexure P-1), merely on the ground there is threat to the life of complainant party, who is resident of same village and the petitioner might abscond, if, released on parole.

Reply on behalf of respondents-State has been filed and the same is taken on record.

Learned State counsel strongly opposes the prayer made in the petition on the basis that parole case of the petitioner has been rightly rejected by the competent authority 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 impugned order (Annexure P-1) that the complainant apprehends threat to his life and family members from the petitioner, who is resident of same village. From the judgment dated 06.09.2019 (Annexure P-2) placed on record today, it is evidently clear that the present petitioner along with others committed the murder of three person including a child aged 6/7 years and they have been convicted and sentenced to undergo imprisonment upto biological death. The apprehension of the police and that of the complainant party is based upon the history of the case. Moreover, the ground taken in the petition i.e. to meet with his family members, 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 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

11.05.2021
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whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No