

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

**CRWP No.3247 of 2021
Date of Decision:-13.09.2021**

Jasvir Singh

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

**CORAM: *HON'BLE MS. JUSTICE RITU BAHRI*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G, Punjab.

RITU BAHRI, J.(Oral)

The petitioner has filed this petition under Article 226 of the Constitution of India for setting aside the impugned order (Annexure P-1) dated 23.02.2021 passed by respondent No.3, District Magistrate, Patiala.

Prayer has also been made for issuance of directions to the respondents to release the petitioner on parole for a period of eight weeks has also been made enabling him to look after his family and to settle the household affairs under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and Amended Act, 2015-16 and the Punjab Government Notification dated 13.12.2018 vide No.30-PLA-2018/61.

Short reply by way of the affidavit of Superintendent, Central Jail, Ludhiana, filed on behalf of respondents No.1, 2 and 4, is taken on the record.

A perusal of the afore-said short reply reveals that the case of the petitioner has been rejected on the basis of adverse report dated 04.01.2021 submitted by Senior Superintendent of Police, Patiala, wherein it has been mentioned that there is an apprehension that he can abscond again.

As per the custody certificate dated 07.04.2021, the petitioner was released on 20.06.2019 for eight weeks' parole with a direction to surrender on 16.08.2019, but he did not surrender on that day and absconded from parole. He was re-arrested by the police escort and was admitted in jail on 15.10.2019 and presently, he is facing trial in FIR No.137 dated 13.10.2019 under Section 8/9 of the Punjab Good Conduct Act, 1962, Amendment Act, 2015, registered at Police Station Shambu, District Patiala.

Learned counsel for the petitioner has referred the judgment dated 04.11.2008 passed by this Court in **CRM-M No.13991 of 2008** titled as ***Inderpal Singh Versus State of Punjab and others***, wherein the competent authority was directed to consider the plea of premature release of the applicant in that case afresh.

However, the afore-cited judgment is not applicable to the case of the present petitioner, as he is still facing the trial under the jail offence and thus, his prayer for grant of parole is liable to be deferred

unless the said trial comes to an end.

This petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

September 13, 2021
Yag Dutt/Mani

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No