

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

218

CRWP-3907-2021

Date of Decision: 04.10.2021

TIRLOK SINGH

....Petitioner

Versus

STATE OF HARYANA AND ORS

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Present criminal writ petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to the respondents to release the petitioner on three weeks parole for house repair.

The petitioner was convicted and sentenced for life imprisonment in case FIR No. 260 dated 04.08.1989, under Section 302 IPC, registered at Police Station Sadar Gohana, District Sonapat. His appeal bearing CRA-D-464-DB of 1998 was dismissed vide order dated 12.09.2008.

The petitioner applied for three weeks parole for house repair, however, the same has not been considered so far.

Reply by way of affidavit of Lakhbir Singh Brar, Superintendent, Central Jail, Ambala on behalf of respondents No. 1 to 6 has been filed wherein, it is stated that the petitioner is not eligible for parole as there is a case bearing FIR No. 232 dated 02.12.2003, under Sections 8/9 of Punjab Good Conduct Prisoner's (Temporary Release) Act 1962, registered at Police Station Sakaut in which he has been declared as proclaimed offender.

However, it is further pointed out that the petitioner submitted an application before Superintendent Central Jail, Ambala,

on 28.06.2021 to forward the same to the learned Court for issuing warrants for his production in case FIR No. 232 dated 02.12.2003. The said application was forwarded to the Court of Sub Divisional Judicial Magistrate, District Nakodar. Learned Sub Divisional Judicial Magistrate, Nakodar issued production warrants of the petitioner on 03.09.2021, wherein the petitioner was to be produced in Court on 14.09.2021.

From the affidavit, it is clear that production warrants of the petitioner had been issued by learned Sub Divisional Judicial Magistrate, Nakodar for his production on 14.09.2021. If the petitioner has been produced before the Court on the said date or any date subsequently, the impediment for the initiation of the parole case of the petitioner would no longer survive.

In view thereof, the present petition is disposed of with a direction to respondents No. 3,4, and 5 to consider the application of the petitioner for release on parole and take a decision thereon expeditiously in accordance with law preferably within a period of four weeks.

[HARINDER SINGH SIDHU]
JUDGE

October 04, 2021
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Whether speaking/reasoned
Whether reportable?

yes/no
yes/no