

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

**CRWP No.3754 of 2021(O&M)
Date of Decision: April 28, 2021**

Amartej Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Ms. Bandana Trikha, Advocate
for the petitioner.

Mr. M.S.Nagra, Addl. A.G, Punjab.

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HARINDER SINGH SIDHU, J.

This petition has been filed under Article 226 of the Constitution of India praying for directions to release the petitioner on parole for six weeks.

The petitioner is undergoing rigorous imprisonment for 15 years in case FIR No.98 dated 17.05.2013 under Sections 15 and 25 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jagraon Sadar, District Ludhiana after his conviction by the learned Additional Sessions Judge, Ludhiana. The appeal (CRA-D-714-DB-2016) filed against his conviction has since been dismissed by this Court.

Learned counsel for the petitioner has stated that the wife of the petitioner is on her family way. She is G2P14/33w3d currently with previous elective caesarean. Her elective caesarean delivery is scheduled around 01.05.2021 as per the medical report (Annexure P-2). It is stated that

her parents are old and she needs special care during this time. It is stated that the petitioner is the only capable member of the family who can take the responsibility of the surgery and to manage medical expenses etc. It is further stated that the village Panchayat has strongly recommended the release of the petitioner on emergency parole. Earlier, the petitioner has availed parole of four weeks and six weeks, each, in the years 2017, 2018 and 2019. He was also on special parole from 13.02.2020 to 10.04.2020 which was further extended to 27.02.2021 due to Covid pandemic. Every time he surrendered at jail in time after availing the parole peacefully.

In the reply by way of short affidavit of the Superintendent, Central Jail, Faridkot it is stated that the petitioner's averments have been verified by the Station House Officer, Sadar Ludhiana, who vide his report dated 26.04.2021 has recommended six weeks parole on the basis of pregnancy of wife of the petitioner. The report of the SHO has been annexed with the reply as Annexure R/T-1. In the report it is also stated that Panchayat of village Mahmudpura, District Ludhiana has no objection if six weeks parole is granted to the petitioner. He has already availed parole without breaching the peace and law and order.

In these circumstances, it is stated that presence of the petitioner is required for taking care of his pregnant wife.

Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 reads as under:-

“3. (1) The State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-Section (2), any prisoner, if the State Government is satisfied that-

- (a) a member of the prisoner's family has died or is seriously ill ; or*
- (b) the marriage of prisoner's son or daughter is to be celebrated; or*
- (c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence; or*
- (d) it is desirable so to do for any other sufficient cause.*

xxx xxx xxx”

The words 'sufficient cause' have been clarified by Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 as under:-

“3. In the principal Act, in section 3,-

xxx xxx xxx

(C) after clause (d), the following explanation shall be added, namely:-

"Explanation.- The expression "sufficient cause" includes-

- (1) serious damage to life or property of the member of the family caused by any natural calamity; or*
- (2) critical condition of any member of the family on account of accident; or*
- (3) delivery of child by the wife of the prisoner.";*

xxx xxx xxx”

It has come on record that wife of the petitioner is pregnant and delivery is expected around 01.05.2021. Section 3(1)(d)(3) of the Act permits temporary release of a prisoner in case of delivery of child by his wife. His case for parole has been recommended by the Village Panchayat as also the concerned Station House Officer. Moreover, on earlier occasions

also the petitioner had surrendered in time after expiry of the parole periods.

Accordingly, the petition is allowed. The respondents are directed to release the petitioner on parole for a period of six weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of six weeks of his release.

April 28, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No